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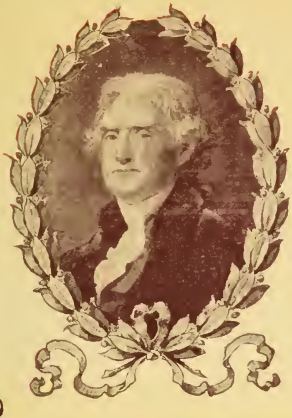

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The Writings of Thomas Jefferson

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THE THOMAS JEFFERSON MEMORIAL ASSOCIATION

THE WRITINGS OF
THOMAS JEFFERSON

Library Edition

Jefferson at Fifty-five

Photogravure from the Bronze Statue of D' Angers.

This bronze statue is the work of Pierre Jean David d' Angers, and stands in the rotunda of the United States Capitol at Washington. It was presented to the Government of the United States in 1834 by Commodore Uriah P. Levy, of the United States Navy.

ANDREW A. LIPSCOMB, *Chairman*

ALBERT ELLERY BERGH

VOL. IX.

WASHINGTON, D. C.
1904

THE WRITINGS OF
THOMAS JEFFERSON

Library Edition

CONTAINING HIS

AUTOBIOGRAPHY, NOTES ON VIRGINIA, PARLIAMENTARY MANUAL, OFFICIAL PAPERS, MESSAGES AND ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE, NOW COLLECTED AND

PUBLISHED IN THEIR ENTIRETY FOR THE FIRST TIME

INCLUDING

ALL OF THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE AND PUBLISHED IN 1853 BY ORDER OF THE JOINT COMMITTEE OF CONGRESS

WITH NUMEROUS ILLUSTRATIONS

AND

A COMPREHENSIVE ANALYTICAL INDEX

ANDREW A. LIPSCOMB, *Chairman Board of Governors*
EDITOR-IN-CHIEF

ALBERT ELLERY BERGH
MANAGING EDITOR

VOL. IX.

ISSUED UNDER THE AUSPICES OF
THE THOMAS JEFFERSON MEMORIAL ASSOCIATION
OF THE UNITED STATES
WASHINGTON, D. C.
1903

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JEFFERSON AND THE CONSTITUTION.

Whatever share any particular statesman had in framing the Constitution of the United States, it is an interesting fact of history that the Convention of 1787 which framed it was not called for that specific purpose. At the beginning of the Revolution the thirteen British Colonies in North America were each independent political communities. With reference to foreign and domestic commerce they were independent of each other and, in a large degree, of Great Britain also. After the achievement of independence the lack of any general authority over foreign and intercolonial commerce continued, and as the Colonies remained independent of each other jealousies and conflicts ensued, followed by restrictive and vexatious taxation by some of the Colonies upon the commerce of others. Relief from such conditions was sought in the adoption of the Articles of Confederation which, however, provided no remedy, because the States under the Confederation were left free to do exactly what the Colonies had previously done. Widespread dissatisfaction continued, and tribute levied by separate States upon the products of their

neighbors brought forth earnest and emphatic protests, as well as conflicting and retaliatory measures. The evils of the times were such that Washington declared: "I think often of our situation and view it with concern. From the high ground we stood upon, from the plain path which invited our footsteps, to be so fallen, so lost, is really mortifying; but virtue has in a great degree taken its departure from our land, and the want of a disposition to do justice is the source of the national embarrassment."

It was natural and logical that under such conditions a change in the government of the Confederacy was early considered. The demand was not for a new government or a new constitution, but simply to devise a plan for the regulation of trade under some general authority, through a revision of the Articles of Confederation then in force. Jefferson so understood it, and, in a letter to the Count Del Vermi, in August, 1787, said: "The States have appointed deputies, who are now sitting at Philadelphia, to consider what are the defects, and to propose new articles to be added to the instrument of Confederation for amending them." In the Constitutional Convention, George Mason, of Virginia, declared "this Constitution has been formed without the knowledge or idea of the people." Although the question had previously been mooted, the Commonwealth of Virginia, on January 21, 1786, inaugurated the movement which resulted in the

adoption of the Constitution by appointing Madison, Tucker, Randolph, Mason and others as commissioners to meet such as might be appointed by other States "to take into consideration the trade of the United States; to examine the relative situations and trade of said States; to consider how far an uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable the United States in Congress assembled effectually to provide for the same." In pursuance of this call commissioners from five States met at Annapolis, September 11, 1786, but, in view of the partial representation of the States, no action was taken except to make a general report. When this report was presented to Congress that body resolved that a convention of delegates be held at Philadelphia "for the sole and express purpose of revising the Articles of Confederation."

The Constitutional Convention thus called to revise the Articles of Confederation met in Philadelphia, May 14, 1787, but as Jefferson was not a delegate, being then absent from the United States as Minister to France, he took no direct part in framing the Constitution. His views, however, both as to the defects in the Articles of Confederation and the changes which should be made were well known, and doubtless exerted an influence, particu-

larly upon delegates holding like political opinions. Yet, it is plain that he did not attempt by direct methods to impress his convictions upon the Convention. He delivered no address respecting the matter, and, with the exception of a letter to Madison in December, 1786, and letters to Washington and Wythe in August and September, 1787, the last two of which could not have been received in time to have affected the result, and in all of which his opinion was expressed in very general terms, he does not appear to have communicated with any delegate to the Convention upon the subject either before or during the sitting. In the letter to Wythe, in reply to a request for his views, he said: "It is now too late to answer the question, and it would always have been presumption in me to have done it. Your own ideas, and those of the great characters who were to be concerned with you in these discussions, will give the law, as they ought to do, to us all."

Notwithstanding this suggestion of acquiescence in the will of the Convention, Jefferson, while admitting "the great mass of good in it," did not hesitate to denounce certain features of the Constitution. As early as November, 1787, in a letter to John Adams, he asked, "How do you like our new Constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. The House of Federal Representatives will not be adequate to the manage-

ment of affairs, either foreign or federal. Their President seems a bad edition of a Polish king. He may be elected from four years to four years, for life." Subsequently, in letters to Madison and others, he enlarged upon these objections and included in his denunciation, among the more important, the provision for direct taxation by the Federal Government, which he once commended, and particularly complained of the "omission of a bill of rights, providing clearly and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the *habeas corpus* laws, and trial by jury in all matters of fact triable by the laws of the land, and not by the laws of nations." After further and more mature reflection he yielded all objections except as to the re-eligibility of the President and the omission of a bill of rights, but as to these he was immovable.

With reference especially to a bill of rights, which should guard against encroachment of Government upon individual liberty, his course was both typical and inevitable. Of all the statesmen of the Revolution he was most democratic, believed most thoroughly in the virtue and rule of the people, and looked with most apprehension upon a strong or unfettered government. To use his own language he believed that "the natural progress of things is for liberty to yield and government to gain ground."

In a notable letter to Madison in December, 1787, respecting the Constitution, he said: "I own, I am not a friend to a very energetic government. It is always oppressive." Even the disturbances in Massachusetts about this time were not unwelcome to him, for, writing to Colonel Smith, he said, "What country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance?" While he urged his final objections to the Constitution with vigor and persistence, at no period of the controversy was he opposed to its ratification by the States. At one time, in truth, he believed that in order to effectuate his contention nine States should adopt it and the others should, "by holding off, produce the necessary amendments," but this was soon abandoned. Writing to the Count De Moustier, in May, 1788, which he substantially repeated to others, he said: "Your situation will doubtless be improved by the adoption of the new Constitution, which I hope will have taken place before you receive this. I see in this instrument a great deal of good. The consolidation of our Government, a just representation, an administration of some permanence, and other features of great value, will be gained by it. There are, indeed, some faults, which revolted me a good deal in the first moment; but we must be contented to travel on towards perfection, step by step. We must be contented with the ground which this Constitution will gain for us and hope that a favorable moment

will come for correcting what is amiss in it." The wisdom of this course was established by succeeding events, for his second objection to the Constitution was promptly cured by amendments incorporating a bill of rights, and his first objection was practically obviated by the patriotic example of Washington, to which Jefferson contributed his own in turn.

The character of this paper necessarily precludes more than a general consideration of the principles of Constitutional interpretation which, probably second only to the Declaration of Independence, typifies the statesmanship of Jefferson. Besides the inherent objection to a strong government, Jefferson conceived that in a country like the United States, with a population scattered over a large territory, a consolidated government would in time become corrupt and irresponsive to public opinion. Instead of consolidating he would, therefore, decentralize the government. Following his view of the text of the Constitution and the spirit of the times which inspired and gave it birth, he insisted that the Government of the United States was one of limited and enumerated powers, and that such powers as were not delegated to it by the Constitution nor prohibited by it to the States were, as declared by the Tenth Amendment, reserved to the States respectively or to the people. As a consequence he assailed the great mass of implied powers in the Federal Government contended for by Hamilton and his followers, and attacked, often

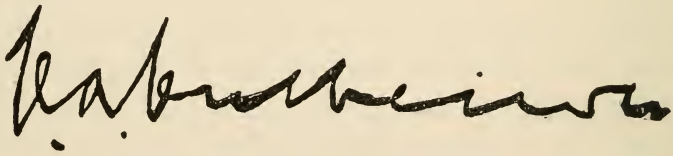
with much bitterness, many of the opinions of Chief Justice Marshall on Constitutional law, complaining that they were judicial usurpations intended to warp the General Government into the consolidated form advocated by the Federalists in the Convention. Nevertheless, within what he believed to be just limits he was devoted to the Constitution and declared that one of the essential principles which should guide him was "the preservation of the General Government in its whole Constitutional vigor, as the sheet anchor of our peace at home and safety abroad."

Equally essential, in his opinion, was "the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies." In line with his unbelief in implied powers, among the more important questions arising, he denied the authority of the Federal Government to create national banks and other corporations or to appropriate public moneys for works of internal improvements, though as to the latter he favored a constitutional amendment giving such authority, the proportionate parts of the moneys to be expended in each State. The most remarkable instance of his adherence to his principles of Constitutional construction was in his purchase of Louisiana, which he avowed was in violation of the Constitution, but which was of such vital and transcendent importance to the unity and welfare

of the country as to justify his course, which he thought should be ratified by an amendment. He believed that the Constitution was a compact between independent States; that, as in all cases of compact among independent powers, each party had the right to judge for itself of infractions and measures of redress; and in this belief he wrote the celebrated Kentucky resolutions which declared the Alien and Sedition Acts of Congress null and void. Later, in June, 1823, writing to Johnson he said: "The ultimate arbiter is the people of the Union, assembled by their deputies in convention, at the call of Congress, or of two-thirds of the States." Although he denounced the Hartford Secession Convention, posterity will probably continue to speculate upon his course had he lived in 1861. In June, 1798, reasoning by a process of successive schisms, he reduced the Union to Virginia and North Carolina, which finally dissolved into their simple units; and in December, 1825, he exclaimed: "Are we then to stand to our arms with the hot-headed Georgian? No, that must be the last resource, not to be thought of until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once, as a dissolution of it, none can be formed which would last one year. We must have patience and longer endurance then with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a

situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left are the dissolution of our union with them, or submission to a government without limitation of powers."

After all that may be said on the subject the political philosophy of Jefferson lies deeper than the interpretation of the mere words of a written constitution. It is grounded in distrust of rulers, in the idea that free government is founded in jealousy and not in confidence, in the theory that the government is best which governs least, in individualism and not paternalism, in hatred of caste, in dispersion not concentration of power, and in the education and uplifting of the people, with a supreme faith in their capacity for self-government.



The South Carolina Signers

(Declaration of Independence.)

The Reproductions are from the Original Paintings in Independence Hall, Philadelphia.

Edward Rutledge

(1749–1800)

Edward Rutledge was chosen to the First Congress assembled at Philadelphia in 1774, and remained an active member up to 1777. In the Legislature of his State he drew up the act for abolition of the rights of primogeniture. He was an untiring advocate of the Federal Constitution. In 1794 he succeeded General Charles C. Pinckney in the U. S. Senate, and in 1798 was elected Governor of South Carolina. (*Reproduced from the Original Painting by John Trumbull.*)

Thomas Heyward, Jr.

(1746–1809)

Thomas Heyward, Jr., was one of the pioneers to revolt against British oppression, and was a leader in the Revolutionary movements of his State. He was a delegate to Congress from 1775 to 1778, when he was chosen Judge of the Criminal and Civil Court of South Carolina. While in active service in 1780 he was captured at Charleston, and spent a year in the prison at St. Augustine. In 1781 he resumed judicial duties and was elected to the convention which framed the Constitution of his native State. (*Reproduced from the Original Painting by Theis.*)

Thomas Lynch, Jr.

(1749–1779)

Thomas Lynch, Jr., relinquished a captaincy in the First South Carolina Regiment toward the close of 1775 to fill his father's seat in the Continental Congress. The autumn after the famous session of July, 1776, found him broken down in health, and he retired from public life before he had opportunity to fulfil the rich promise of his youth. On a voyage to Europe with his wife he met his death with all the others aboard the St. Eustatia. (*Reproduced from the Original Painting by Anne Lea.*)

Arthur Middleton

(1743–1788)

Arthur Middleton was chosen one of the committee to prepare the State Constitution of South Carolina in 1776, and the same year went to the Continental Congress. He declined the governorship of South Carolina in 1778. In 1779 he took up arms in defense of Charleston and was made prisoner the next year. He was again a member of Congress from 1781 to 1783, and later a State Senator. He wrote effective political essays under the signature of "Andrew Marvell." (*Reproduced from the painting by P. F. Wharton, after the Original Painting by Benjamin West.*)

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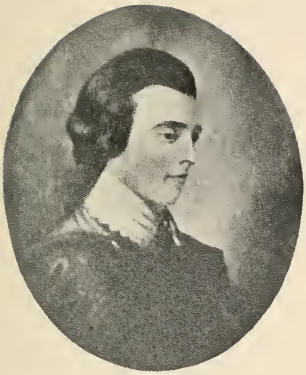
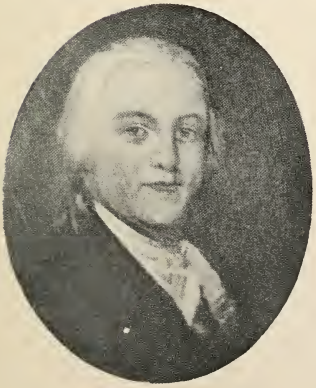
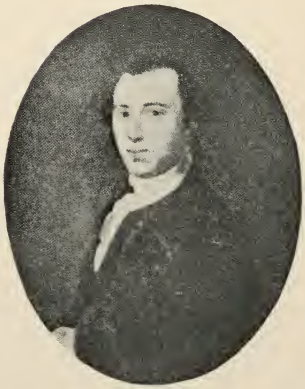


ARTHUR MIDDLETON

THOMAS LYNCH, JR.



EDWARD RUTLEDGE



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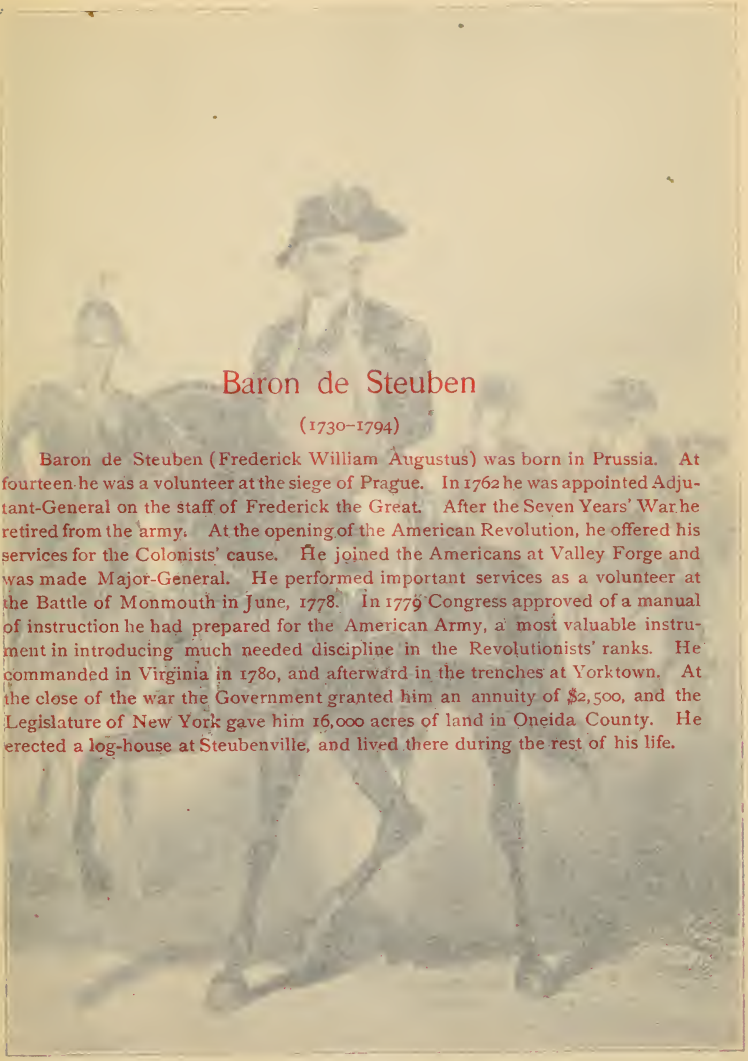

Baron de Steuben

(1730–1794)

Baron de Steuben (Frederick William Augustus) was born in Prussia. At fourteen he was a volunteer at the siege of Prague. In 1762 he was appointed Adjutant-General on the staff of Frederick the Great. After the Seven Years' War he retired from the army. At the opening of the American Revolution, he offered his services for the Colonists' cause. He joined the Americans at Valley Forge and was made Major-General. He performed important services as a volunteer at the Battle of Monmouth in June, 1778. In 1779 Congress approved of a manual of instruction he had prepared for the American Army, a most valuable instrument in introducing much needed discipline in the Revolutionists' ranks. He commanded in Virginia in 1780, and afterward in the trenches at Yorktown. At the close of the war the Government granted him an annuity of $2,500, and the Legislature of New York gave him 16,000 acres of land in Oneida County. He erected a log-house at Steubenville, and lived there during the rest of his life.

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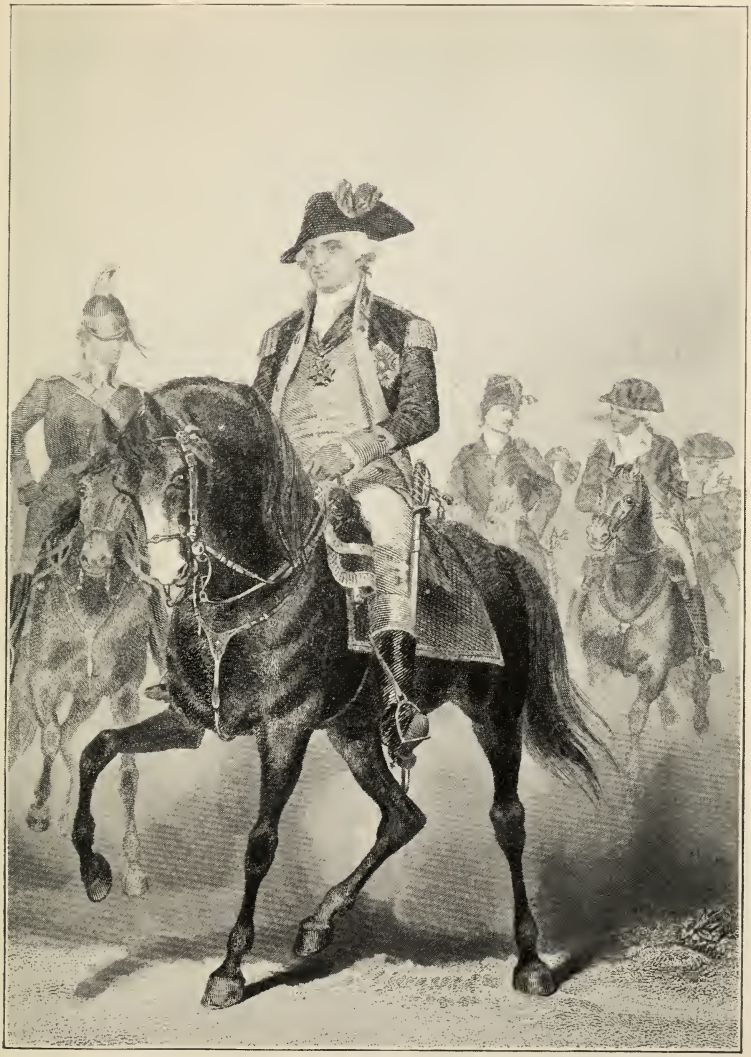

Le Baron de Steuben

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CORRESPONDENCE.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

(CONTINUED.)

JEFFERSON'S WORKS.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

TO JOHN RUTHERFORD.

PHILADELPHIA, December 25, 1792.

SIR,—I have considered, with all the attention which the shortness of the time would permit, the two motions which you were pleased to put into my hands yesterday afternoon, on the subject of weights and measures, now under reference to a committee of the Senate, and will take the liberty of making a few observations thereon.

The first, I presume, is intended as a basis for the adoption of that alternative of the report on measures and weights, which proposed retaining the present system, and fixing its several parts by a reference to a rod vibrating seconds, under the circumstances therein explained; and to fulfil its object, I think the resolutions there proposed should be followed by this: "that the standard by which the said

measures of length, surface, and capacity shall be fixed, shall be an uniform cylindrical rod of iron, of such length as in latitude forty-five degrees, in the level of the ocean, and in a cellar or other place of uniform natural temperature, shall perform its vibrations in small and equal arcs, in one second of mean time; and that rain water be the substance, to some definite mass of which, the said weights shall be referred." Without this, the committee employed to prepare a bill on those resolutions, would be uninstructed as to the principles by which the Senate mean to fix their measures of length, and the substance by which they will fix their weights.

The second motion is a middle proposition between the first and the last alternatives in the report. It agrees with the first in some of the present measures and weights, and with the last, in compounding and dividing them decimally. If this should be thought best, I take the liberty of proposing the following alterations of these resolutions:

2d. For "metal" substitute "iron." The object is to have one determinate standard. But the different metals having different degrees of expansibility, there would be as many different standards as there are metals, were that generic term to be used. A specific one seems preferable, and "iron" the best, because the least variable by expansion.

3d. I should think it better to omit the chain of 66 feet, because it introduces a series which is not decimal, viz., 1. 66. 80. and because it is absolutely

useless. As a measure of length, it is unknown to the mass of our citizens; and if retained for the purpose of superficial measure, the foot will supply its place, and fix the acre as in the fourth resolution.

4th. For the same reason, I propose to omit the words "or shall be ten chains in length and one in breadth."

5th. This resolution would stand better, if it omitted the words "shall be one foot square, and one foot and twenty cents of a foot deep, and," because the second description is perfect, and too plain to need explanation. Or if the first expression be preferred, the second may be omitted, as perfectly tautologous.

6th. I propose to leave out the words "shall be equal to the pound avoirdupois now in use, and," for the reasons suggested in the second resolution, to wit, that our object is, to have one determinate standard. The pound avoirdupois now in use is an indefinite thing. The committee of parliament reported variations among the standard weights of the exchequer. Different persons weighing the cubic foot of water, have made it, some more, and some less than one thousand ounces avoirdupois; according as their weights had been tested by the lighter or heavier standard weights of the exchequer. If the pound now in use be declared a standard, as well as the weight of sixteen thousand cubic cents of a foot in water, it may hereafter perhaps be

insisted that these two definitions are different, and that, being of equal authority, either may be used, and so the standard pound be rendered as uncertain as at present.

7th. For the same reason, I propose to omit the words "equal to seven grains troy." The true ratio between the avoirdupois and troy weights, is a very contested one. The equation of seven thousand grains troy to the pound avoirdupois, is only one of several opinions, and is indebted perhaps to its integral form for its prevalence. The introduction either of the troy or avoirdupois weight into the definition of our unit, will throw that unit under the uncertainties now enveloping the troy and avoirdupois weights.

When the House of Representatives were pleased to refer to me the subject of weights and measures, I was uninformed as to the hypothesis on which I was to take it up; to wit, whether on that, that our citizens would not approve of any material change in the present system, or on the other, that they were ripe for a complete reformation. I therefore proposed plans for each alternative. In contemplating these, I had occasion to examine well all the middle ground between the two, and among others which presented themselves to my mind, was the plan of establishing one of the known weights and measures as the unit in each class; to wit, in the measures of lines, of surfaces, and of solids, and in weights, and to compound and divide them decimally. In the measure of weights, I had thought of the ounce as

the best unit, because, calling it the thousandth part of a cubic foot of water, it fell into the decimal series, formed a happy link of connection with the system of measures on the one side, and of coins on the other, by admitting an equality with the dollar, without changing the value of that or its alloy materially. But on the whole, I abandoned this middle proposition, on the supposition that if our fellow citizens were ripe for advancing so great a length towards reformation, as to retain only four known points of the very numerous series to which they were habituated, to wit, the foot, the acre, the bushel, and the ounce, abandoning all the multiples and subdivisions of them, or recurring for their value to the tables which would be formed, they would probably be ripe for taking the whole step, giving up these four points also, and making the reformation complete; and the rather, as in the present series and the one to be proposed, there would be so many points of very near approximation, as aided in the same manner by tables, would not increase their difficulties perhaps, indeed, would lessen them by the greater simplicity of the links by which the several members of the system are connected together. Perhaps, however, I was wrong in this supposition The representatives of the people in Congress are alone competent to judge of the general disposition of the people, and to what precise point of reformation they are ready to go. On this, therefore, I do not presume to give an opinion, nor to pronounce between

the comparative expediency of the three propositions: but shall be ready to give whatever aid I can to any of them which shall be adopted by the Legislature.

I have the honor to be, with perfect respect, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, December 30, 1792.

DEAR SIR,—My last letters to you have been of the 13th and 20th of November, since which I have received yours of September 19. We are anxious to hear that the person substituted in the place of the one deceased is gone on that business. You do not mention your prospect of finding for the mint the officers we were desirous of procuring. On this subject, I will add to what was before mentioned to you, that if you can get artists *really eminent*, and on the *salaries fixed by the law*, we shall be glad of them; but that experience of the persons we have found here, would induce us to be contented with them rather than to take those who are *not eminent*, or who would expect *more than the legal salaries*. A greater difficulty has been experienced in procuring copper for the mint than we expected. Mr. Rittenhouse, the Director, having been advised that it might be had on advantageous terms from Sweden, has written me a letter on that subject, a copy of which I enclose you, with the bill of exchange it covered. I should not have troubled you with them,

had our resident in Holland been in place. But on account of his absence, I am obliged to ask the favor of you to take such measures as your situation will admit, for procuring such a quantity of copper, to be brought us from Sweden, as this bill will enable you. It is presumed that the commercial relations of London with every part of Europe will furnish ready means of executing this commission. We as yet get no answer from Mr. Hammond on the general subject of the execution of the treaty. He says he is waiting for instructions. It would be well to urge, in your conversations with the minister, the necessity of giving Mr. Hammond such instructions and latitude as will enable him to proceed of himself. If on every move we are to await new instructions from the other side the Atlantic, it will be a long business indeed. You express a wish in your letter to be generally advised as to the tenor of your conduct, in consequence of the late revolution in France, the questions relative to which, you observe, incidentally present themselves to you. It is impossible to foresee the particular circumstances which may require you to decide and act on that question. But, principles being understood, their application will be less embarrassing. We certainly cannot deny to other nations that principle whereon our government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will; and externally to transact business with other nations through

whatever organ it chooses, whether that be a King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is, the will of the nation. Taking this as your polar star, you can hardly err. I shall send you by the first vessel which sails (the packet excepted on account of postage) two dozen plans of the city of Washington in the Federal Government, which you are desired to display, not for sale, but for public inspection, wherever they may be most seen by those descriptions of people worthy and likely to be attracted to it, dividing the plans among the cities of London and Edinburgh chiefly, but sending some also to Glasgow, Bristol, Dublin, etc. Mr. Taylor tells me he sends you the public papers by every vessel going from hence to London. They will keep you informed of the proceedings of Congress, and other occurrences worthy your knowledge. I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. Though I have mentioned Sweden as the *most likely* place to get copper from, on the best terms, yet if you can be satisfied it may be got on better terms elsewhere, it is left to your discretion to get it elsewhere.

TO WILLIAM SHORT.

PHILADELPHIA, January 3, 1793.

DEAR SIR,—My last private letter to you was of October 16, since which I have received your Nos. 103, 107, 108, 109, 110, 112, 113 and 114 and yesterday your private one of September 15, came to hand. The tone of your letters had for some time given me pain, on account of the extreme warmth with which they censured the proceedings of the Jacobins of France. I considered that sect as the same with the Republican patriots, and the Feuillants as the Monarchical patriots, well known in the early part of the Revolution, and but little distant in their views, both having in object the establishment of a free constitution, differing only on the question whether their chief Executive should be hereditary or not. The Jacobins (as since called) yielded to the Feuillants, and tried the experiment of retaining their hereditary Executive. The experiment failed completely, and would have brought on the re-establishment of despotism had it been pursued. The Jacobins knew this, and that the expunging that office was of absolute necessity. And the nation was with them in opinion, for however they might have been formerly for the constitution framed by the first assembly, they were come over from their hope in it, and were now generally Jacobins. In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. These

I deplore as much as any body, and shall deplore some of them to the day of my death. But I deplore them as I should have done had they fallen in battle. It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. A few of their cordial friends met at their hands the fate of enemies. But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed I would have seen half the earth desolated; were there but an Adam and an Eve left in every country, and left free, it would be better than as it now is. I have expressed to you my sentiments, because they are really those of ninety-nine in an hundred of our citizens. The universal feasts, and rejoicings which have lately been, had on account of the successes of the French, showed the genuine effusions of their hearts. You have been wounded by the sufferings of your friends, and have by this circumstance been hurried into a temper of mind which would be extremely disrelished if known to your countrymen. The rescue of 224.68.1460.916.83. had never permitted me to discover the light in which he viewed it, and as I was more anxious that you

should satisfy him than me, I had still avoided explanations with you on the subject. But your 113. induced him to break silence, and to notice the extreme acrimony of your expressions. He added that he had been informed the sentiments you expressed *in your conversations* were equally offensive to our allies, and that you should consider yourself as the representative of your country, and that what you say might be imputed to your constituents. He desired me therefore to write to you on this subject. He added that he considered 729.633.224.939.1243. 1210.741.1683.1460.216.1407.890.1416.1212.674.125. 633.1450.1559.182. there are in the United States some characters of opposite principles; some of them are high in office, others possessing great wealth, and all of them hostile to France, and fondly looking to England as the staff of their hope. These I named to you on a former occasion. Their prospects have certainly not brightened. Excepting them, this country is entirely republican, friends to the Constitution, anxious to preserve it, and to have it administered according to its own republican principles. The little party above mentioned have espoused it only as a stepping-stone to monarchy, and have endeavored to approximate it to that in its administration in order to render its final transition more easy. The successes of republicanism in France have given the coup de grace to their prospects, and I hope to their projects. I have developed to you faithfully the sentiments of your country, that you may govern

yourself accordingly. I know your republicanism to be pure, and that it is no decay of that which has embittered you against its votaries in France, but too great a sensibility at the partial evil which its object has been accomplished there. I have written to you in the style to which I have been always accustomed with you, and which perhaps it is time I should lay aside. But while old men are sensible enough of their own advance in years, they do not sufficiently recollect it in those whom they have seen young. In writing, too, the last private letter which will probably be written under present circumstances, in contemplating that your correspondence will shortly be turned over to I know not whom, but certainly to some one not in the habit of considering your interests with the same fostering anxieties I do, I have presented things without reserve, satisfied you will ascribe what I have said to its true motive, use it for your own best interest, and in that fulfil completely what I had in view. With respect to the subject of your letter of September 15, you will be sensible that many considerations would prevent my undertaking the reformation of a system with which I am so soon to take leave. It is but common decency to leave to my successor the moulding of his own business. Not knowing how otherwise to convey this letter to you with certainty, I shall appeal to the friendship and honor of the Spanish commissioners here, to give it the protection of their cover, as a letter of private nature altogether. We have no remarkable event

here lately but the death of Dr. Lee, nor have I anything new to communicate to you of your friends or affairs. I am, with unalterable affection and wishes for your prosperity, my dear Sir, your sincere friend and servant.

TO THOMAS MANN RANDOLPH.

PHILADELPHIA, January 7, 1793.

DEAR SIR,—Our news from France continues to be good, and to promise a continuance; the event of the revolution there is now little doubted of, even by its enemies, the sensations it has produced here, and the indications of them in the public papers, have shown that the form our own government was to take depended much more on the events of France than anybody had before imagined. The tide which after our former relaxed government, took a violent course towards the opposite extreme, and seemed ready to hang everything round with the tassels and baubles of monarchy, is now getting track as we hope to a just mean, a government of laws addressed to the reason of the people and not to their weaknesses. The daily papers show it more than those you receive. An attempt in the House of Representatives to stop the recruiting service has been rejected. Indeed, the conferences for peace, agreed to by the Indians, do not promise much, as we have reason to believe they will insist on taking back lands purchased at former treaties. Maria is well; we hope all are so

at Monticello. My best love to my dear Martha, and am, most affectionately, dear Sir, yours, etc.

TO ALBERT GALLATIN

PHILADELPHIA, January 25, 1793.

SIR,—Mr. Segaux called on me this morning to ask a statement of the experiment which was made in Virginia by a Mr. Mazzie, for the raising vines and making wines, and desired I would address it to you. Mr. Mazzie was an Italian, and brought over with him about a dozen laborers of his own country, bound to serve him four or five years. We made up a subscription for him of £2,000 sterling, and he began his experiment on a piece of land adjoining to mine. His intention was, before the time of his people should expire, to import more from Italy. He planted a considerable vineyard, and attended to it with great diligence for three years. The war then came on, the time of his people soon expired, some of them enlisted, others chose to settle on other lands and labor for themselves; some were taken away by the gentlemen of the country for gardeners, so that there did not remain a single one with him, and the interruption of navigation prevented his importing others. In this state of things he was himself employed by the State of Virginia to go to Europe as their agent to do some particular business. He rented his place to General Riedesel, whose horses in one week destroyed the whole labor of three or four years;

and thus ended an experiment which, from every appearance, would in a year or two more have established the practicability of that branch of culture in America. This is the sum of the experiment as exactly as I am able to state it from memory, after such an interval of time, and I consign it to you in whose hands I know it will be applied with candor, if it contains anything applicable to the case for which it has been asked.

I have the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO MRS. RANDOLPH.

PHILADELPHIA, January 26, 1793.

MY DEAR MARTHA,— * * * * *

I have for some time past been under an agitation of mind which I scarcely ever experienced before, produced by a check on my purpose of returning home at the close of this session of Congress. My operations at Monticello had been all made to bear upon that point of time, my mind was fixed on it with a fondness which was extreme, the purpose firmly declared to the President, when I became assailed from all quarters with a variety of objections. Among these it was urged that my return just when I had been attacked in the public papers, would injure me in the eyes of the public, who would suppose I either withdrew from investigation, or because I had not

tone of mind sufficient to meet slander. The only reward I ever wished on my retirement was to carry with me nothing like a disapprobation of the public. These representations have, for some weeks past, shaken a determination which I had thought the whole world could not have shaken. I have not yet finally made up my mind on the subject, nor changed my declaration to the President. But having perfect reliance in the disinterested friendship of some of those who have counseled and urged it strongly; believing that they can see and judge better a question between the public and myself than I can, I feel a possibility that I may be detained here into the summer. A few days will decide. In the meantime I have permitted my house to be rented after the middle of March, have sold such of my furniture as would not suit Monticello, and am packing up the rest and storing it ready to be shipped off to Richmond as soon as the season of good sea weather comes on. A circumstance which weighs on me next to the weightiest, is the trouble which, I foresee, I shall be constrained to ask Mr. Randolph to undertake. Having taken from other pursuits a number of hands to execute several purposes which I had in view this year, I cannot abandon those purposes and lose their labor altogether. I must, therefore, select the most important and least troublesome of them, the execution of my canal, and (without embarrassing him with any details which Clarkson and George are equal to) get him to tell them always what is to

be done and how, and to attend to the levelling the bottom; but on this I shall write him particularly if I defer my departure. I have not received the letter which Mr. Carr wrote to me from Richmond, nor any other from him since I left Monticello. My best affections to him, Mr. Randolph and your fireside, and am, with sincere love, my dear Martha, yours.

TO DR. STEWART, OR TO ALL THE GENTLEMEN.

January 31, 1793.

I have had under consideration Mr. Hallet's plans for the capitol, which undoubtedly have a great deal of merit. Doctor Thornton has also given me a view of his. These last came forward under some very advantageous circumstances. The grandeur, simplicity and beauty of the exterior, the propriety with which the apartments are distributed, and economy in the mass of the whole structure, will, I doubt not, give it a preference in your eyes, as it has done in mine and those of several others whom I have consulted. I have, therefore, thought it better to give the Doctor time to finish his plan, and for this purpose to delay until your next meeting a final decision. Some difficulty arises with respect to Mr. Hallet, who you know was in some degree led into his plan by ideas we all expressed to him. This ought not to induce us to prefer it to a better; but while he is liberally rewarded for the time and labor he has ex-

pended on it, his feelings should be saved and soothed as much as possible. I leave it to yourselves how best to prepare him for the possibility that the Doctor's plan may be preferred to his. Some ground for this will be furnished you by the occasion you will have for recourse to him, as to the interior of the apartments, and the taking of him into service at a fixed allowance; and I understand that his necessities render it material that he should know what his allowance is to be.

TO DANIEL CARROLL.

PHILADELPHIA, February 1, 1793.

DEAR SIR,—Doctor Thornton's plan of a capitol has been produced, and has so captivated the eyes and judgment of all as to leave no doubt you will prefer it when it shall be exhibited to you; as no doubt exists here of its preference over all which have been produced, and among its admirers no one is more decided than him whose decision is most important. It is simple, noble, beautiful, excellently distributed, and moderate in size. The purpose of this letter is to apprise you of this sentiment. A just respect for the right of approbation in the commissioners will prevent any formal decision in the President till the plan shall be laid before you and be approved by you. The Doctor will go with it to your meeting in the beginning of March. In the meantime, the interval of *apparent* doubt may be

improved for settling the mind of poor Hallet, whose merit and distresses interest every one for his tranquillity and pecuniary relief. I have taken the liberty of making these private estimates, thinking you would wish to know the true state of the sentiments here on this subject, and am, with sincere respect and esteem for your colleagues and yourself, dear Sir, your most obedient humble servant

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Circular to the ministers of France, the United Netherlands, Great Britain, etc.

PHILADELPHIA, February 13, 1793.

SIR,—The House of Representatives having referred to me, to report to them the nature and extent of the privileges and restrictions on the commerce of the United States with foreign nations, I have accordingly prepared a report on that subject. Being particularly anxious that it may be exact in matters of fact, I take the liberty of putting into your hands, *privately and informally*, an extract of such as relate to our commerce with your nation, in hopes that if you can either enlarge or correct them, you will do me that favor. It is safer to suppress an error in its first conception, than to trust to any after-correction; and a confidence in your sincere desire to communicate or to re-establish any truths which may contribute to a perfect understanding between our two nations, has induced me to make the present request. I wish it had been in my power to have

done this sooner, and thereby have obtained the benefit of your having more time to contemplate it; but circumstances have retarded the entire completion of the report till the Congress is approaching its end, which will oblige me to give it in within three or four days.

I am, with great and sincere esteem, Sir, your most obedient, and most humble servant.

P. S. The report having been prepared before the late diminution of the duties on our tobacco, that circumstance will be noted in the letter which will cover that report.

France receives favorably our bread stuff, rice, wood, pot and pearl ashes.

A duty of five sous the quintal, or nearly four and a half cents, is paid on our tar, pitch and turpentine. Our whale oils pay six livres the quintal, and are the only whale oils admitted. Our indigo pays five livres the quintal, their own two and a half; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one, of twenty livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other ves-

seis, except tobaccos not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres fifteen sous the quintal, carried in their own vessels, and twenty-five livres, carried in ours; a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the colonial legislature, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands, under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

The *United Netherlands* prohibit our pickled beef

and pork, meals, and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion, they intercept between us and the consumer, so much of the real value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in the vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which scarcely lessen their value.

In the American possessions of the United Netherlands, and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of.

Great Britain receives our pot and pearl ashes free, while those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron, of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay eleven

pence sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling three pence sterling the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings four pence sterling the hundred weight, which rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties: so are our grains, meals and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12. Car. 2. c. 18, s. 3,) from carrying thither all and any of our domestic productions and manufactures. A subsequent act, indeed, has authorized their executive

to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year, by proclamation; but subject every moment to be withdrawn on that single will, in which event, our vessels having anything on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion, when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. It was privately believed, indeed, that the order of that court went further than their intention, and so we were, afterwards, officially informed; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement, as to other countries where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling nine pence sterling per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless

charges of an intermediate deposit and double voyage.

From tables published in England, and composed, as is said, from the books of their Custom Houses, it appears, that of the indigo imported there in the years 1773–4–5, one-third was re-exported; and from a document of authority, we learn that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished; yet less so than reason and national interest would dictate. The whole of our grain is re-exported, when wheat is below fifty shillings the quarter, and other grains in proportion.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch and turpentine, rice and bread stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange, rum, molasses, sugar, coffee, cocoa-nuts, ginger and pimento. There are, indeed, some freedoms in the island of Dominica, but under such circumstances as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their governors,

however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called their navigation act.

Of our commercial objects, *Spain* receives favorably our bread stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there.

Themselves and their colonies are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain, foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Spain and *Portugal* refuse to those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some part of the dominant country, and the transportation between that and the subject State, must be in a domestic bottom

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TO GEORGE HAMMOND

PHILADELPHIA, February 15, 1793

SIR,—I have duly received your letter of yesterday, with the statement of the duties payable on articles imported into Great Britain. The object of the report, from which I had communicated some extracts to you, not requiring a minute detail of the several duties on every article, in every country, I had presented both articles and duties in groups, and in general terms, conveying information sufficiently accurate for the object. And I have the satisfaction to find, on re-examining the expression in the report, that they correspond with your statement as nearly as generals can with particulars. The differences which any nation makes between our commodities and those of other countries, whether favorable or unfavorable to us, were proper to be noted. But they were subordinate to the more important questions, what countries *consume* most of our produce, exact the lightest duties, and leave to us the most favorable balance?

You seem to think that in the mention made of your *official* communication of April the 11th, 1792, that the clause in the navigation act (prohibiting our own produce to be carried in our own vessels into the British European dominions) would be strictly enforced in future, and the *private belief* expressed at the same time, that the intention of that court did not go so far, that the latter terms are not sufficiently accurate. About the fact it is impossible we should differ, because it is a written one. The only difference then, must be a merely verbal one. For thus stands the fact: In your letter of April the 11th, you say, you have received, by a circular despatch from your court, directions to inform this government that it had been determined in future strictly to enforce this clause of the navigation act. This I considered as an *official* notification. In your answer of April the 12th to my request of explanation, you say, "In answer to your letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication, than such as are contained in the circular despatch, of which I stated the purport in my letter dated yesterday. I have, however, no difficulty in assuring you, that the result of my *personal conviction* is, that the determination of his Majesty's government to enforce the clause of the act, etc., is not intended to militate against the proclamation," etc. This *personal conviction* is expressed in the report as a *private belief*, in contradistinction to the *official* declaration. In

your letter of yesterday, you choose to call it "a formal assurance of your conviction." As I am not scrupulous about words when they are once explained, I feel no difficulty in substituting in your report your own words, "*personal conviction*," for those of "*private belief*," which I had thought equivalent. I cannot indeed insert that it was a *formal* assurance, lest some readers might confound this with an *official* one, without reflecting that you could not mean to give *official* assurance that the clause would be enforced, and *official* assurance, at the same time, of your personal conviction that it would not be enforced.

I had the honor to acknowledge verbally the receipt of your letter of the 3d of August, when you did me that of making the inquiry verbally about six weeks ago; and I beg leave to assure you, that I am, with due respect, Sir, your most obedient, and most humble servant.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, February 17, 1793.

SIR,—I have duly received your letter of yesterday, and am sensible of your favor in furnishing me with your observations on the statement of the commerce between our two nations, of which I shall avail myself for the good of both. The omission of our participation with your vessels, in the exclusive transportation of our tobacco, was merely that of

the copy, as it was expressed in the original draught where the same circumstance respecting our whale oil was noted; and I am happy that your notice of it has enabled me to reinstate it before the report goes out of my hand.

I must candidly acknowledge to you, that I do not foresee the same effect in favor of our navigation, from the late reduction of duties on our tobaccos in France, which you seem to expect. The difference in favor of French vessels is still so great, as, in my opinion, to make it their interest to quit all other branches of the carrying business, to take up this; and as your stock of shipping is not adequate to the carriage of all your exports, the branches which you abandon will be taken up by other nations; so that this difference thrusts us out of the tobacco carriage, to let other nations in to the carriage of other branches of your commerce. I must therefore avail myself of this occasion to express my hope, that your nation will again revise this subject, and place it on more equal grounds. I am happy in concurring with you more perfectly in another sentiment, that as the principles of our governments become more congenial, the links of affection are multiplied between us. It is impossible they should multiply beyond our wishes. Of the sincere interest we take in the happiness and prosperity of your nation, you have had the most unequivocal proofs.

I pray you to accept assurances of sincere attachment to you personally and of the sentiments of

respect and esteem with which I am, Sir, your most obedient, and most humble servant.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

PHILADELPHIA, February 20, 1793.

SIR,—The House of Representatives, about the close of the session before the last, referred to me the report of a committee on a message from the President of the United States, of the 14th of February, 1791, with directions to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and measures for its improvement. The report was accordingly prepared during the ensuing recess, ready to be delivered at the next session, that is to say, at the last. It was thought possible at that time, however, that some changes might take place in the existing state of things, which might call for corresponding changes in measures. I took the liberty of mentioning this in a letter to the Speaker of the House of Representatives, to express an opinion that a suspension of proceedings thereon, for a time, might be expedient, and to propose retaining the report till the present session, unless the House should be pleased to signify their pleasure to the contrary. The changes then contemplated have not taken place, nor, after waiting as long as the term of the session will admit, in order to learn something further on the subject, can

anything definite thereon be now said. If, therefore, the House wishes to proceed on the subject, the report shall be delivered at a moment's warning. Should they not choose to take it up till their next session, it will be an advantage to be permitted to keep it by me till then, as some further particulars may perhaps be procured relative to certain parts of our commerce, of which precise information is difficult to obtain. I make this suggestion, however, with the most perfect deference to their will, the first intimation of which shall be obeyed on my part, so as to occasion them no delay.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, February 23, 1793.

SIR,—I have laid before the President of the United States your notification of the 17th instant, in the name of the Provisory Executive Council, charged with the administration of your Government, that the French nation has constituted itself into a Republic. The President receives, with great satisfaction, this attention of the Executive Council and the desire they have manifested of making known to us the resolution entered into by the National Convention, even before a definitive regulation of their new establishment could take place.

Be assured, Sir, that the Government and the citizens of the United States view with the most sincere pleasure every advance of your nation towards its happiness, an object essentially connected with its liberty, and they consider the union of principles and pursuits between our two countries as a link which binds still closer their interests and affections. [The genuine and general effusions of joy which you saw overspread our country on their seeing the liberties of yours rise superior to foreign invasion and domestic trouble, have proved to you that our sympathies are great and sincere, and] we earnestly wish on our part that these, our mutual dispositions, may be improved to mutual good, by establishing our commercial intercourse on principles as friendly to natural right and freedom as are those of our Government. I am, with sincere esteem and respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

March, 1793.

The idea seems to gain credit that the naval powers combining against France, will prohibit supplies, even of provisions, to that country. Should this be formally notified, I should suppose Congress would be called, because it is a justifiable cause of war, and as the Executive cannot decide the question of war on the affirmative side, neither ought it to do so on the negative side, by preventing the competent

body from deliberating on the question. But I should hope that war would not be their choice. I think it will furnish us a happy opportunity of setting another precious example to the world, by showing that nations may be brought to do justice by appeals to their interests as well as by appeals to arms. I should hope that Congress, instead of a denunciation of war, would instantly exclude from our ports all the manufactures, produce, vessels and subjects of the nations committing this aggression, during the continuance of the aggression, and till full satisfaction made for it. This would work well in many ways, safely in all, and introduce between nations another umpire than arms. It would relieve us, too, from the risks and the horrors of cutting throats. The death of the King of France has not produced as open condemnations from the monocrats as I expected. I dined the other day in a company where the subject was discussed. I will name the company in the order in which they manifested their partialities; beginning with the warmest Jacobinism, and proceeding by shades, to the most heartfelt aristocracy. Smith, (N. Y.,) Coxe, Stewart, T. Shippen, Bingham, Peters, Breck, Meredith, Wolcott. It is certain that the ladies of this city, of the first circle, are open-mouthed against the murderers of a sovereign, and they generally speak those sentiments which the more cautious husband smothers. Ternant has at length openly hoisted the flag of monarchy by going into deep mourning for his

prince. I suspect he thinks a cessation of his visits to me a necessary accompaniment to this pious duty. A connection between him and Hamilton seems to be springing up. On observing that Duer was Secretary to the old Board of Treasury, I suspect him to have been the person who suggested to Hamilton the letter of mine to that board, which he so tortured in his Catullus. Dunlop has refused to print the piece which we had heard of before your departure, and it has been several days in Bache's hands, without any notice of it. The President will leave this about the 27th instant, and return about the 20th of April. Adieu

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TO MAJOR-GENERAL GATES.

PHILADELPHIA, March 12, 1793.

DEAR GENERAL,—During the invasion of Virginia in 1780 and 178—, nearly the whole of the public records of that State were destroyed by the British. The least valuable part of these happens to be the most interesting to me, I mean the letters I had occasion to write to the characters with whom my office in the Executive brought me into correspondence. I am endeavoring to recover copies of my letters from the hands to whom they were addressed, and have been happy to find this more practicable than I had apprehended. While you commanded in the south, I had occasion to write to you sometimes on the subject of our pro-

ceedings. If you happen to have preserved these letters, you will particularly oblige me by trusting me with them till I can have them copied, when the originals shall be returned. If you could repose the same confidence in me as to the letters you addressed to me, it would increase the obligation. The whole shall be sacredly returned. I have been the more disposed to trouble you on this occasion as it furnishes me a pretext of recalling myself to your recollection, and an opportunity of expressing to you assurances of the sincere esteem and respect with which I have the honor to be, dear General, your sincere friend and servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, March 12, 1793.

DEAR SIR,—Your Nos. 8 to 13, inclusive, have been duly received. I am sensible that your situation must have been difficult during the transition from the late form of government to the re-establishment of some other legitimate authority, and that you may have been at a loss to determine with whom business might be done. Nevertheless, when principles are well understood, their application is less embarrassing. We surely cannot deny to any nation that right whereon our own government is founded, that every one may govern itself according to whatever form it pleases, and change these forms at its own will; and that it may transact its business with

foreign nations through whatever organ it thinks proper, whether King, Convention, Assembly, Committee, President. or anything else it may choose. The will of the nation is the only thing essential to be regarded. On the dissolution of the late constitution in France, by removing so integral a part of it as the King, the National Assembly, to whom a part only of the public authority had been delegated, appear to have considered themselves as incompetent to transact the affairs of the nation legitimately. They invited their fellow-citizens, therefore, to appoint a National Convention. In conformity with this their idea of the defective state of the national authority, you were desired from hence to suspend further payments of our debt to France till new orders, with an assurance, however, to the acting power, that the suspension should not be continued a moment longer than should be necessary for us to see the re-establishment of some person or body of persons authorized to receive payment and give us a good acquittal; (if you should find it necessary to give any assurance or explanation at all). In the meantime, we went on paying up the four millions of livres which had been destined by the last constituted authorities to the relief of St. Domingo. Before this was completed, we received information that a National Assembly had met, with full powers to transact the affairs of the nation, and soon afterwards, the minister of France here presented an application for three millions of livres, to be laid out

in provisions to be sent to France. Urged by the strongest attachment to that country, and thinking it even providential that moneys lent to us in distress could be repaid under like circumstances, we had no hesitation to comply with the application, and arrangements are accordingly taken, for furnishing this sum at epochs accommodated to the demand and our means of paying it. We suppose this will rather overpay the instalments and interest due on the loans of eighteen, six, and ten millions, to the end of 1792; and we shall certainly use our utmost endeavors to make punctual payments of the instalments and interest hereafter becoming exigible, and to omit no opportunity of convincing that nation how cordially we wish to serve them. Mutual good offices, mutual affection, and similar principles of government, seem to destine the two nations for the most intimate communion; and I cannot too much press it on you, to improve every opportunity which may occur in the changeable scenes which are passing, and to seize them as they occur, for placing our commerce with that nation and its dependencies, on the freest and most encouraging footing possible.

Besides what we have furnished publicly for the relief of St. Domingo, individual merchants of the United States have carried considerable supplies thither, which have been sometimes purchased, sometimes taken by force, and bills given by the administration of the colony on the minister here, which have been protested for want of funds. We

have no doubt that justice will be done to these our citizens, and that without a delay which would be ruinous to them. We wish authority to be given to the minister of France here to pay the just demands of our citizens, out of the moneys he may receive from us.

During the fluctuating state of the *assignats* of France, I must ask the favor of you to inform me, in every letter, of the rate of exchange between them and coin, this being necessary for the regulation of our Custom Houses.

Congress closed its session on the 2d instant. You will see their acts in the newspapers forwarded to you, and the body of them shall be sent as soon as the octavo edition is printed. We are to hold a treaty with the western Indians in the ensuing month of May, but not under very hopeful auspices.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I sent you, by the way of London, a dozen plans of the city of Washington in the federal territory, hoping you would have them displayed to public view where they would be most seen by those descriptions of men worthy and likely to be attracted to it. Paris, Lyons, Rouen, and the sea-port towns of

Havre, Nantes, Bordeaux and Marseilles, would be proper places to send some of them. I trust to Mr. Taylor to forward you the newspapers by every direct occasion to France. These are rare at all times, and especially in the winter; and to send them through England would cost too much in postage. To these circumstances, as well, probably, as to some miscarriages, you must ascribe the length of intervals sometimes experienced in the receipt of your papers.

I have the honor to be, with great esteem and respect, dear Sir, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, March 15, 1793.

DEAR SIR,—The President has seen with satisfaction, that the ministers of the United States in Europe, while they have avoided an useless commitment of their nation on the subject of the Marquis de La Fayette, have nevertheless shown themselves attentive to his situation. The interest which the President himself, and our citizens in general, take in the welfare of this gentleman, is great and sincere, and will entirely justify all prudent efforts to serve him. I am therefore to desire, that you will avail yourself of every opportunity of sounding the way towards his liberation, of finding out whether those in whose power he is are very tenacious of him, of

insinuating through such channels as you shall think suitable, the attentions of the government and people of the United States to this object, and the interest they take in it, and of procuring his liberation by informal solicitations, if possible. But if formal ones be necessary, and the moment should arrive when you shall find that they will be effectual, you are authorized to signify, through such channel as you shall find suitable, that our government and nation, faithful in their attachments to this gentleman for the services he has rendered them, feel a lively interest in his welfare, and will view his liberation as a mark of consideration and friendship for the United States, and as a new motive for esteem and a reciprocation of kind offices towards the power to whom they shall be indebted for this act.

A like letter being written to Mr. Pinckney, you will of course take care, that however you may act through different channels, there be still a sufficient degree of concert in your proceedings.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, March 16, 1793.

DEAR SIR,—I wrote you on the 30th of December, and again a short letter on the 1st of January, since which I have received yours of October the 2d and 5th, November 6th and 9th, and December the 13th,

14th, 15th. I now enclose you the Treasurer's second of exchange for twenty-four thousand seven hundred and fifty guilders, to be employed in the purchase of copper for the mint, from Sweden, or wherever else it can be got on the best terms; the first of exchange having been enclosed in my letter of December the 30th.

I am in hopes you will have been able to enter into proper arrangements with the British minister for the protection of our seamen from impressment, before the preparations for war shall have produced inconvenience to them. While he regards so minutely the inconveniences to themselves which may result from a due regulation of this practice, it is just he should regard our inconveniences also, from the want of it. His observations in your letter imply merely, that if they should abstain from injuring us, it might be attended with inconvenience to themselves.

You ask, what should be your conduct, in case you should at any time discover negotiations to be going on, which might eventually be interesting to us? The nature of the particular case will point out what measures, on your part, would be the most for our interest, and to your discretion we must refer the taking such measures, without waiting for instructions, where circumstances would not admit of such a delay. A like necessity to act may arise on other occasions. In the changeable scenes, for instance, which are passing in Europe, were a moment to offer

when you could obtain any advantage for our commerce, and especially in the American colonies, you are desired to avail us of it to the best advantage, and not to let the occasion slip by for want of previous instruction.

You ask, what encouragements are given to emigrants by the several States? No other than a permission to become citizens, and to participate of the rights of citizens, except as to eligibility to certain offices in the government. The rules, as to these, are not uniform in the States. I have found it absolutely impracticable to obtain, even for my office, a regular transmission of the laws of the several States: consequently, it would be more so to furnish them to our ministers abroad. You will receive by this or the first proper conveyance, those of Congress, passed at their last session.

It is impossible for me to give any authority for the advance of moneys to Mr. Wilson. Were we to do it in his case, we should, on the same principles, be obliged to do it in several others wherein foreign nations decline or delay doing justice to our citizens. No law of the United States would cover such an act of the executive; and all we can do legally, is, to give him all the aid which our patronage of his claims with the British court, can effect.

With respect to the payment of your allowances, as the laws authorize the payment of a given number of dollars to you, and as your duties place you in London, I suppose we are to pay you *the dollars* there, or

other money of equal value estimated by the par of the metals. Such has, accordingly, been the practice ever since the close of the war. Your powers to draw on our bankers in Holland, will leave you the master of fixing your drafts by this standard.

The transactions of Europe are now so interesting, that I should be obliged to you, every week, to put the Leyden gazettes of the week under cover to me; and put them into such ship's bags as shall be first coming to any port north of North Carolina.

Mr. Barclay's death is just made known to us, and measures are taking in consequence of it.

You will perceive by the newspapers, a remarkable fall in the price of our public paper. This is owing chiefly to the extraordinary demand for the produce of our country, and a temporary scarcity of cash to purchase it. The merchants holding public paper are obliged to part with it at any price, to raise money.

I am, with much respect, dear Sir, your most obedient, and most humble servant.

TO ———[1].

PHILADELPHIA, March 18, 1793.

DEAR SIR,—I received your kind favor of the 26th ult., and thank you for its contents as sincerely as if I could engage in what they propose. When I first entered on the stage of public life (now twenty-four years ago), I came to a resolution never to

[1] No address.

engage while in public office in any kind of enterprise for the improvement of my fortune, nor to wear any other character than that of a farmer. I have never departed from it in a single instance; and I have in multiplied instances found myself happy in being able to decide and to act as a public servant, clear of all interest, in the multiform questions that have arisen, wherein I have seen others embarrassed and biased by having got themselves into a more interested situation. Thus I have thought myself richer in contentment than I should have been with any increase of fortune. Certainly I should have been much wealthier had I remained in that private condition which renders it lawful and even laudable to use proper efforts to better it. However, my public career is now closing, and I will go through on the principle on which I have hitherto acted. But I feel myself under obligations to repeat my thanks for this mark of your attention and friendship.

We have just received here the news of the decapitation of the King of France. Should the present foment in Europe not produce republics everywhere, it will at least soften the monarchical governments by rendering monarchs amenable to punishment like other criminals, and doing away that rages of insolence and oppression, the inviolability of the King's person. We I hope shall adhere to our republican government, and keep it to its original principles by narrowly watching it. I am, with

great and sincere affection, dear Sir, your friend and servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, March 21, 1793.

SIR,—The death of Admiral Paul Jones first, and afterwards of Mr. Barclay, to whom the mission to Algiers, explained in the enclosed papers, was successively confided, have led the President to desire you to undertake the execution of it in person. These papers, being copies of what had been delivered to them, will serve as your guide. But Mr. Barclay having been also charged with a mission to Morocco, it will be necessary to give you some trouble with respect to that also.

Mr. Nathaniel Cutting, the bearer hereof, is despatched specially, first to receive from Mr. Pinckney in London any papers or information, which his agency in the Algerine business may have enabled him to communicate to you: he will then proceed to deliver the whole to you, and accompany and aid you in the character of secretary.

It is thought necessary that you should, in the first instance, settle Mr. Barclay's accounts respecting the Morocco mission, which will probably render it necessary that you should go to Gibraltar. The communications you have had with Mr. Barclay in this mission, will assist you in your endeavors at a settlement. You know the sum received by Mr.

Barclay on that account, and we wish as exact a statement as can be made of the manner in which it has been laid out, and what part of its proceeds is now on hand. You will be pleased to make an inventory of these proceeds now existing. If they or any part of them can be used for the Algerine mission, we would have you by all means apply them to that use, debiting the Algerine fund and crediting that of Morocco with the amount of such application. If they cannot be so used, then dispose of the perishable articles to the best advantage, and if you can sell those not perishable for what they cost, do so, and what you cannot so sell, deposit in any safe place under your own power. In this last stage of the business, return us an exact account, 1. Of the specific articles remaining on hand for that mission, and their value. 2. Of its cash on hand. 3. Of any money which may be due to or from Mr. Barclay or any other person on account of this mission; and take measures for replacing the clear balance of cash in the hands of Messrs. W. and J. Willincks, and Nicholas and Jacob Van Staphorsts and Hubard.

This matter being settled, you will be pleased to proceed on the mission to Algiers. This you will do by the way of Madrid, if you think any information you can get from Mr. Carmichael or any other, may be an equivalent for the trouble, expense and delay of the journey. If not, proceed in whatever other way you please to Algiers.

Proper powers and credentials for you, addressed to that government, are herewith enclosed. The instructions first given to Admiral Paul Jones are so full that no others need be added, except a qualification in one single article, to wit: should that government finally reject peace on the terms in *money*, to which you are authorized to go, you may offer to make the first payments for peace and that for ransom in *naval stores*, reserving the right to make the subsequent annual payments in money.

You are to be allowed your travelling expenses, your salary as minister resident in Portugal going on. Those expenses must be debited to the Algerine mission, and not carried into your ordinary account as resident. Mr. Cutting is allowed one hundred dollars a month, and his expenses, which, as soon as he joins you, will of course be consolidated with yours. We have made choice of him as particularly qualified to aid, under your direction, in the matters of account, with which he is well acquainted. He receives here an advance of one thousand dollars, by a draft on our bankers in Holland, in whose hands the fund is deposited. This, and all other sums furnished him, to be debited to the Algerine fund. I enclose you a letter to our bankers giving you complete authority over these funds, which you had better send with your first draft, though I send a copy of it from hence by another opportunity.

This business being done, you will be pleased to return to Lisbon, and to keep yourself and us, there-

after, well informed of the transactions in Morocco; and as soon as you shall find that the succession to that government is settled and staple, so that we may know to whom a commissioner may be addressed, be so good as to give us the information, that we may take measures in consequence.

I have the honor to be, with much respect, Sir, your most obedient, and most humble servant.

TO SAMUEL SHAW, CONSUL AT CANTON, IN CHINA.

PHILADELPHIA, March 21, 1793.

SIR,—Present appearances in Europe rendering a general war there probable, I am to desire your particular attention to all the indications of it, and on the first imminent symptoms of rupture among the maritime powers, to put our vessels on their guard. In the same event the patronage of our Consuls will be particularly requisite to secure to our vessels the right of neutrality, and protect them against all invasions of it. You will be pleased, also, in the same case, to give no countenance to the usurpation of our flag by foreign vessels, but rather, indeed, to aid in detecting it, as without bringing to us any advantage, the usurpation will tend to commit us with the belligerent powers, and to subject those vessels which are truly ours to harassing scrutinies in order to distinguish them from the counterfeits.

The law requiring the Consuls of the United States

to give bond with two or more good sureties for the faithful performance of their duties, I enclose you a blank bond for that purpose. According to a standing regulation which places our Consuls in Europe in relation with the Minister of the United States in the same country with them, if there be one, and if none, then with their minister in Paris, and our Consuls in America in immediate relation with the Secretary of State, you will be pleased to have your sureties approved by the person to whom you stand thus referred, and to send the bond when executed, by a safe conveyance, to the Secretary of State, to be disposed of according to law; and this with all the expedition the case will admit, provided this should not have been done before. A set of the laws of the United States is likewise herewith enclosed, together with a copy of a former circular letter, intended as a standing instruction to our Consuls.

I am, with esteem, Sir, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, March 22, 1793.

DEAR SIR,—I thank you sincerely for your friendly letter of January 8. Particular circumstances have forced me to protract awhile my departure from office, which, however, will take place in the course of the year. Continue, therefore, if you

please, the general address of your letters, to "The Secretary of State," etc., as recommended. Be assured that I shall carry into retirement and retain the most affectionate sentiments towards you. I am, in truth, worn down with drudgery, and while every circumstance relative to my private affairs calls imperiously for my return to them, not a single one exists which could render tolerable a continuation in public life. I do not wonder that Captain O'Bryan has lost patience under his long-continued captivity, and that he may suppose some of the public servants have neglected him and his brethren. He may possibly have imputed neglect to me, because a forbearance to correspond with him would have that appearance, though it was dictated by the single apprehension, that if he received letters from me as Minister Plenipotentiary of the United States at Paris, or as Secretary of State, it would increase the expectations of the captors, and raise the ransom beyond what his countrymen would be disposed to give, and so end in their perpetual captivity. But, in truth, I have labored for them constantly and zealously in every situation in which I have been placed. In the first moment of their captivity, I first proposed to Mr. Adams to take upon ourselves their ransom, though unauthorized by Congress. I proposed to Congress and obtained their permission to employ the Order of Mercy in France for their ransom, but never could obtain orders for the money till just as I was leaving France,

and was obliged to turn the matter over to Mr. Short. As soon as I came here I laid the matter before the President and Congress in two long reports, but Congress could not decide till the beginning of 1792, and then clogged their ransom by a previous requisition of peace. The unfortunate death of two successive commissioners has still retarded their relief, and even should they be now relieved, will probably deprive me of the gratification of seeing my endeavors for them crowned at length with success by their arrival when I am here. It would, indeed, be grating to me if, after all, I should be supposed by them to have been indifferent to their situation. I will ask of your friendship to do me justice in their eyes, that to the pain I have already felt for them, may not be added that of their dissatisfaction. I explained my proceedings on their behalf to a Dr. Warner, whom I saw at Paris, on his way to Algiers, and particularly the reason why I did not answer O'Bryan's letter. I desired him to communicate it to Captain O'Bryan. But I did not know whether he did it. I think it more probable that Mr. Carmichael will impute to me also an event which must take place this year. In truth, it is so extraordinary a circumstance, that a public agent placed in a foreign court for the purpose of correspondence, should, in three years, have found means to get but one letter to us, that he must himself be sensible that if he could have sent us letters, he ought to be recalled as negligent, and

if he could not, he ought to be recalled as useless. I have, nevertheless, procured his continuance, in order to give him an opportunity which occurred of his rendering a sensible service to his country, and thereby drawing some degree of favor on his return.

Wishing you every circumstance of success and happiness, I am, with great esteem, dear Sir, your sincere friend and servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, March 22, 1793.

DEAR SIR,—I have to acknowledge the receipt of your letters from No. 60 to 67, inclusive. You cannot be too vigilant against any such treaty as that mentioned in No. 60, which, by giving the exclusive supply of wheat to Naples, would altogether debar the United States from it. This would bear so hard on us, that not only an exclusion of their wines from the United States ought to be expected on their part, but every other measure which might open to us a market *in any other part of the world*, however Portugal might be affected by it. And I must forever repeat it, that, instead of excluding our *wheat*, we must continue to hope that they will open their ports to our *flour*, and that you will continue to use your efforts, on every good occasion, to obtain this without waiting for a treaty.

As there appears at present a probability of a

very general war in Europe, you will be pleased to be particularly attentive to preserve for our vessels all the rights of neutrality, and to endeavor that our flag be not usurped by others to procure to themselves the benefits of our neutrality. This usurpation tends to commit us with foreign nations, to subject those vessels truly ours to rigorous scrutinies and delays to distinguish them from counterfeits, and to take the business of transportation out of our hands.

Continue, if you please, your intelligence relative to the affairs of Spain, from whence we learn nothing but through you; to which it will be acceptable that you add leading events from other countries, as we have several times received important facts through you, even from London, sooner than they have come from London directly.

The letters enclosed for Mr. Carmichael and Mr. Short are of a very secret nature. If you go by Madrid, you will be the bearer of them yourself; if not, it would be better to retain them than to send them by any conveyance which does not command your entire confidence. I have never yet had a letter from Mr. Carmichael but the one you brought from Madrid. A particular circumstance will occasion forbearance yet a little longer.

Captain Cutting will bring you a copy of the laws of the last session of Congress, and of the gazettes to the time of his departure.

Not yet knowing the actual arrival of Mr. Church

at Lisbon, I believe it will be safer that I direct letters for you, during your absence, to Messrs. Bulkeley and Son, with whom you will leave what directions on the subject you shall think proper.

I am, with great and sincere esteem and respect, dear Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.[1]

PHILADELPHIA, March 23, 1793.

GENTLEMEN,—It is intimated to us in such a way as to attract our attention, that France means to send a strong force early this spring to offer independence to the Spanish-American colonies, beginning with those on the Mississippi; and that she will not object to the receiving those on the east side into our confederation. Interesting considerations require, that we should keep ourselves free to act in this case according to circumstances, and consequently, that you should not, by any clause of treaty, bind us to guarantee any of the Spanish colonies against their own independence, nor indeed against any other nation. For when we thought we might guarantee Louisiana, on their ceding the Floridas to us, we apprehended it would be seized by Great Britain, who would thus completely encircle us with her colonies and fleets. This danger is now removed by the concert between Great

[1] This letter was in cypher, but a literal copy of it preserved.

Britain and Spain; and the times will soon enough give independence, and consequently free commerce to our neighbors, without our risking the involving ourselves in a war for them.

I am, with great respect and esteem, your most obedient humble servant.

[1] The above meets the approbation of

GEORGE WASHINGTON.

TO C. W. F. DUMAS.

PHILADELPHIA, March 24, 1793.

DEAR SIR,—I have to acknowledge the receipt of your favors of September 20, March 13, and Jan. 9. I shall hope your continuance to send us the Leyden Gazette as usual, but all the other gazettes which you have hitherto usually sent, may be discontinued. The scene in Europe is becoming very interesting. Amidst the confusion of a general war which seems to be threatening that quarter of the globe, we hope to be permitted to preserve the line of neutrality. We wish not to meddle with the internal affairs of any country, nor with the general affairs of Europe. Peace with all nations, and the right which that gives us with respect to all nations, are our object. It will be necessary for all our public agents to exert themselves with vigilance for securing to our vessels all the rights of neutrality, and from preventing the vessels of other nations

[1] This is in the handwriting of General Washington.

from usurping our flag. This usurpation tends to commit us with the belligerent power, to draw on those vessels truly ours, vigorous visitations to distinguish them from the counterfeits, and to take business from us. I recommend these objects to you. I have done the same to Mr. Greenleaf, lately appointed our Consul at Amsterdam. Be so good as to remember to send your account immediately after the 30th of June. I forward for you to Mr. Pinckney a copy of the laws of the late session of Congress; and am, with sincere esteem, dear Sir, your most obedient humble servant.

TO COLONEL ALEXANDER HAMILTON.

PHILADELPHIA, March 27, 1793.

SIR,—In compliance with the desire you expressed, I shall endeavor to give you the view I had of the destination of the loan of three millions of florins, obtained by our bankers in Amsterdam, previous to the acts of the 4th and 12th of August, 1790, when it was proposed to adopt it under those acts. I am encouraged to do this by the degree of certainty with which I can do it, happening to possess an official paper wherein I had committed to writing some thoughts on the subject, at the time, that is to say, on the 26th of August, 1790. The general plan presented to view, according to my comprehension of it, in your report and draught of instructions, was, 1, to borrow, on proper terms, such a

sum of money as might answer all demands for principal and interest of the foreign debt due to the end of 1791; 2, to consider two of the three millions of florins already borrowed as if borrowed under the act of August 4, and so far an execution of the operation before mentioned; 3, to consider the third million of florins so borrowed as if borrowed under the act of the 12th of August, and so far an execution of the powers given to the President to borrow two millions of dollars for the purchase of the public debt. I remember that the million of dollars surplus of the domestic revenues, appropriated to the purchase of the public debt, appeared to me sufficient for that purpose *here*, for probably a considerable time. I thought, therefore, if any part of the three millions of florins were to be placed under the act of the 12th of August, that it should rather be employed in purchasing our *foreign paper* at the market of Amsterdam. I had myself observed the different degrees of estimation in which the paper of different countries was held at that market, and wishing that our credit there might always be of the first order, I thought a moderate sum kept in readiness there to buy up any of our *foreign paper*, whenever it should be offered below par, would keep it constantly to that mark, and thereby establish for us a sound credit, where, of all places in the world, it would be most important to have it.

The subject, however, not being with my department, and therefore having no occasion afterwards

to pay attention to it, it went out of my mind altogether, till the late inquiries brought it forward again. On reading the President's instructions of August 28, 1790 (two days later than the paper before mentioned), as printed in your report of February 13, 1793, in the form in which they were ultimately given to you, I observed that he had therein neither confirmed *your* sentiment of employing a part of the money *here*, nor *mine* of doing it *there*, in purchases of the public debt; but had directed the application of the whole to the *foreign debt;* and I inferred that he had done this on full and just deliberation, well knowing he would have time enough to weigh the merits of the two opinions, before the million of dollars would be examined *here*, or the loans for the foreign debt would overrun their legal measure *there*. In this inference, however, I might be mistaken; but I cannot be in the fact that these instructions gave a sanction to neither opinion.

I have thus, Sir, stated to you the view I had of this subject in 1790, and I have done it because you desired it. I did not take it up then as a volunteer, nor should now have taken the trouble of recurring to it, but at your request, as it is one in which I am not particularly concerned, which I never had either the time or inclination to investigate, and on which my opinion is of no importance.

I have the honor to be, with respect, Sir, your most obedient humble servant.

TO JAMES MADISON.

PHILADELPHIA, April 7, 1793.

We may now, I believe, give full credit to the accounts that war is declared between France and England. The latter having ordered Chauvelen to retire within eight days, the former seemed to consider it as too unquestionable an evidence of an intention to go to war, to let the advantage slip of her own readiness and the unreadiness of England. Hence, I presume, the first declaration from France. A British packet is arrived; but as yet we have nothing more than that she confirms the accounts of war being declared. Genett not yet arrived. An impeachment is ordered here against Nicholson, their Comptroller General, by a vote almost unanimous of the House of Representatives. There is little doubt, I am told, that much *mala fides* will appear; but E. R. thinks he has barricaded himself within the fences of the law. * * * *

Yours affectionately.

TO GEORGE HAMMOND.

PHILADELPHIA, April 18, 1793.

SIR,—I have now the honor to enclose you the answer of the Attorney General to my letter covering yours of March the 12th, on the case of Hooper and Pagan, wherein he has stated the proceedings of Pagan for obtaining a writ of error from the

Supreme Court of the United States, for revisal of the judgment of the inferior court pronounced against him; and also, his opinion on the merits of the question, had the writ of error been procured, and the merits thereby been brought into question. From this statement you will be able to judge whether Pagan has, *bona fide*, complied with the rule which requires that a foreigner, before he applies for extraordinary interposition, should use his best endeavors to obtain the justice he claims from the ordinary tribunals of the country. You will perceive also, that had the writ been pressed for and obtained, and the substantial justice of Pagan's claim thereby brought into discussion, substantial justice would have been against him, according to the opinion of the Attorney General, according to the uniform decisions of the courts of the United States, even in the cases of their own citizens, and according to the decision of this very case in the British provincial court, where the evidence was taken and the trial first had. This does not appear then to be one of those cases of gross and palpable wrong, ascribable only to wickedness of the heart, and not to error of the head, in the judges who have decided on it, and founding a claim of national satisfaction. At least, that it is so, remains yet to be demonstrated.

The readiness with which the government of the United States has entered into inquiries concerning the case of Mr. Pagan, even before that case was

ripe for their interposition, according to ordinary rules, will, I hope, satisfy you that they would, with equal readiness, have done for the redress of his case whatever the laws and Constitution would have permitted them to do, had it appeared in the result that their courts had been guilty of partiality or other gross wrong against Mr. Pagan. On the contrary, it is hoped, that the marked attentions which have been shown to him by the government of Massachusetts, as well as by that of the United States, have evinced the most scrupulous dispositions to patronize and effectuate his right, had right been on his side. I have the honor to be, with due respect, Sir, your most humble servant.

[*The letter of the Attorney General, referred to in the preceding.*]

TO THE SECRETARY OF STATE.

PHILADELPHIA, April 12, 1793.

SIR,—You will perceive from the two letters marked A. and B. of which I enclose copies, that the subject of Mr. Pagan has been for some time in my view. The former of those letters being intended for you, and containing a summary of facts, I determined to show it to Mr. Tilghman, who was Pagan's counsel, before it was sent to you, in order that he might correct any misstatement. This produced the latter letter from him to me; and I have thought it more advisable to forward both of them to you,

even in the unfinished state of my own, than to reduce the case into a form which might be supposed to be less accurate.

As I do not discover an essential difference between Mr. Tilghman and myself, I shall not discuss any seeming variance, but proceed upon his ideas.

It is too obvious to require a diffusive exposition, that the application for a writ of error was not only prudent, but a duty in Pagan. To this Mr. Tilghman explicitly assents, when he says that he was perfectly "satisfied of the prudence of applying for the writ of error, as Pagan could not complain of a defect of justice, until he had tried the writ of error and found that mode ineffectual." This remark becomes the more important, as it manifests that the process was not suggested as an expedient for shifting any burthen from the government. Indeed I may with truth add, that the proceedings, taken collectively, appeared to me to present a sufficient intimation of the main question, to serve as a ground of decision.

However, take the case under either aspect; as excluding the consideration of the main question by an omission in the pleadings and record; or as exhibiting it fully to the cognizance of the court.

It never was pretended that a writ of error ought to have been granted, unless the matter was apparent on the record. Whose office was it to make it thus apparent? Of the attorney who managed the pleadings. If, therefore, he has failed to do so, we

may presume that he considered the ground untenable, or was guilty of inattention. Either presumption would be fatal to a citizen of the United States; and the condition of a foreigner cannot create a new measure in the administration of justice. It is moreover certain, that those who have been consulted on Pagan's behalf, as well as others, have seriously doubted whether a cause, which has been pursued to the extent which his had reached before the commencement of our new government, was susceptible of federal relief.

The last observation opens the inquiry, what remedy ought the Supreme Court of the United States to have administered, even if the question had been fairly before them? My opinion is, that the very merits are against Mr. Pagan. In America, the construction of the armistice has been almost universally to compute the places, within which different times were to prevail, by latitude only. Am I misinformed, that such an interpretation has been pressed by *our* ministers, and not denied by those of London? A second mode has been adopted, by describing a circle, and thereby comprehending longitude as well as latitude; now let either rule be adopted, and the position of the capture in this case will be adverse to Pagan's pretensions.

But what can be exacted from our government, after repeated trials, before various jurisdictions, none of which can be charged with any symptom of impropriety, and upon a subject, which, to say

no more, is at least equipoised? Nothing; and I appeal to the British reasoning on the Silesia loan, as supporting this sentiment, in the following passage: "The law of nations, founded upon justice, equity, convenience and the reason of the thing, and confirmed by long usage, does not allow of reprisals, except in case of violent injuries directed and supported by the State, and justice absolutely denied, in *re minime dubia*, by all the tribunals, and afterwards by the prince." Where the judges are left free, and give sentence according to their consciences, "though it should be erroneous, that would be no ground for reprisals. Upon doubtful questions, different men think and judge differently; and all a friend can desire is, that justice should be as impartially administered to him, as it is to the subjects of that prince, in whose courts the matter is tried." Under such circumstances, a citizen must acquiesce. So therefore must Pagan; against whom even the court of Nova Scotia, within the dominions of his sovereign, has once decided.

There are many smaller points, arising from the controversy, which might be relied on. But I pass them over, from a hope that the observations already made will induce you to think with me, that government is not bound to interpose farther in the behalf of Pagan. I have the honor, Sir, to be, with respect and esteem, your most obedient servant,

EDMUND RANDOLPH.

TO THOMAS PINCKNEY.

PHILADELPHIA, April 20, 1793.

DEAR SIR,—In a postscript to my letter of the 12th, I acknowledged the receipt of yours of January the 3d; since which, those of January the 30th and February the 5th have been received by the William Penn.

With respect to our negotiation with Mr. Hammond, it is exactly in the state in which it was when you left America, not one single word having been received in reply to my general answer, of which you had a copy. He says, he waits for instructions, which he pretends to expect from packet to packet. But sometimes the ministers are all in the country, sometimes they are absorbed in negotiations nearer home, sometimes it is the hurry of impending war, or attention to other objects, the stock of which is inexhaustible, and can therefore never fail those who desire nothing but that things shall rest as they are. Perhaps, however, the present times may hasten justice.

We shall be glad to receive the assayer you hope to procure, as soon as possible, for we cannot get one in this country equal to the business in all its parts. With respect to Mr. Drost, we retain the same desire to engage him, but we are forced to require an immediate decision, as the officer employed in the interim, and who does tolerably well, will not continue much longer under an uncertainty

of permanent employment. I must therefore desire you to press Mr. Morris to bring Drost to an immediate determination; and we place the matter on this ground with him, that if he is not embarked by the first day of July next, we shall give a permanent commission to the present officer, and be free to receive no other. We are likely to be in very great distress for copper for the mint, and must therefore press your expediting what we desired you to order from Sweden.

You may, on every occasion, give assurances which cannot go beyond the real desires of this country, to preserve a fair neutrality in the present war, on condition that the rights of neutral nations are respected in us, as they have been settled in *modern* times, either by the express declarations of the powers of Europe, or their adoption of them on particular occasions. From our treaties with France and Holland, and that of England and France, a very clear and simple line of conduct can be marked out for us, and I think we are not unreasonable in expecting that England shall recognize towards us the same principles which she has stipulated to recognize towards France, in a state of neutrality.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO F. P. VAN BERCKEL.

PHILADELPHIA, April 23d, 1793.

SIR,—As far as the public gazettes are to be credited, we may presume that war has taken place among several of the nations of Europe, in which France, England, Holland and Russia, are particularly engaged. Disposed, as the United States are, to pursue steadily the ways of peace, and to remain in friendship with all nations, the President has thought it expedient, by Proclamation, of which I enclose you a copy, to notify this disposition to our citizens, in order to intimate to them the line of conduct for which they are to prepare; and this he has done without waiting for a formal notification from the belligerent Powers. He hopes that those Powers and your nation in particular, will consider this early precaution as a proof, the more candid, as it has been unasked, for the sincere and impartial intentions of our country, and that what is meant merely as a general intimation to our citizens, shall not be construed to their prejudice in any Courts of Admiralty, as if it were conclusive evidence of their knowledge of the existence of war, and of the Powers engaged in it. Of this we could not give them conclusive information, because we have it not ourselves; and till it is given us in form, and so communicated to them, we must consider all their acts as lawful, which would have been lawful in a state of peace. I have the honor to be, with great

respect, Sir, your most obedient, and most humble servant.

CIRCULAR TO MESSRS. MORRIS, PINCKNEY AND SHORT.

PHILADELPHIA, April 26, 1793.

SIR,—The public papers giving us reason to believe that the war is becoming nearly general in Europe, and that it has already involved nations with which we are in daily habits of commerce and friendship, the President has thought it proper to issue the Proclamation of which I enclose you a copy, in order to mark out to our citizens the line of conduct they are to pursue. That this intimation, however, might not work to their prejudice, by being produced against them as conclusive evidence of their knowledge of the existence of war and of the nations engaged in it, in any case where they might be drawn into courts of justice for acts done without that knowledge, it has been thought necessary to write to the representatives of the belligerent powers here, the letter of which a copy is also enclosed, reserving to our citizens those immunities to which they are entitled, till authentic information shall be given to our government by the parties at war, and be thus communicated, with due certainty, to our citizens. You will be pleased to present to the government where you reside, this proceeding of the President, as a proof of the earnest desire of the United States to preserve peace

and friendship with all the belligerent powers, and to express his expectation that they will in return extend a scrupulous and effectual protection to all our citizens, wheresoever they may need it, in pursuing their lawful and peaceable concerns with their subjects, or within their jurisdiction. You will, at the same time, assure them that the most exact reciprocation of this benefit shall be practised by us towards their subjects, in the like cases.

I have the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, April 27, 1793.

SIR,—Your letter of the 13th instant, asking moneys to answer the expenses and salaries of the consular offices of France, has been duly laid before the President, and his directions thereon taken.

I have in consequence to observe to you, that before the new government of France had time to attend to things on this side the Atlantic, and to provide a deposit of money for their purposes here, there appeared a degree of necessity that we, as the friends and debtors of that nation, should keep their affairs from suffering, by furnishing money for urgent purposes. This obliged us to take on ourselves to judge of the purpose, because, on the soundness of that, we were to depend for our justi-

fication. Hence we furnished moneys for their colonies and their agents here, without express authority, judging from the importance and necessity of the case, that they would approve of our interference.

But this kind of necessity is now at an end; the government has established a deposit of money in the hands of their minister here, and we have nothing now to do but to furnish the money, which we are in the course of doing, without looking into the purposes to which it is to be applied. Their minister is to be the judge of these, and to pay it to whom and for what he pleases.

If it be urged that they have appropriated all the money we are furnishing to other objects, that you are not authorized to divert any of it to any other purpose, and therefore that you *need a further sum*, it may be answered that it will not lessen the stretch of authority to add an *unauthorized payment by us* to an *unauthorized application* by you, and that it seems fitter that their minister should exercise a discretion over their appropriations, standing, as he does, in a place of confidence, authority, and responsibility, than we who are strangers, and unamenable to them. It is a respect we owe to their authority to leave to those acting under that, the transactions of their affairs, without an intermeddling on our part which might justly appear officious.

In this point of light, I hope you will view our

conduct, and that the consular officers will be sensible that in referring them to your care, under which the national authority has placed them, we do but conform ourselves to that authority. I have the honor to be, with sentiments of great respect and esteem, Sir, your most obedient, and most humble servant.

TO THE SECRETARY OF THE TREASURY.
(ALEXANDER HAMILTON.)

PHILADELPHIA, May 1, 1793.

SIR,—When you mentioned to me yesterday that M. de Ternant proposed to apply for a sum of money, and founded himself on a letter of mine which gave him reason to expect it, I thought I could not have written such a letter, because I did not recollect it, and because it was out of the plan which you know had been adopted, that when we furnished one sum of money we should avoid promising another. I have now most carefully examined all my letters to M. de Ternant, as far back as March 7, 1792, the date of the first on the subject of furnishing money, and can assure you there is not a word in one of them which can be construed into a promise, expressed or implied, relative to the present subject, or which can have committed the government in the smallest degree to a departure from the rules it has laid down. I am equally confident that I have never said a word which could do it. Upon the ground, therefore, of any such commitment by

me, the proposition will not be supported. With respect to these applications in general, they were of course to pass through me; but I have considered them as depending too much on the arrangements of your department to permit myself to take and be tenacious of any particular ground other than that, whatever rule we adopt, it be plain and persevered in uniformly in all cases where the material circumstances are the same, so that we never refuse to one what has been done for another. It is and ever has been my opinion and wish that we should gratify the diplomatic gentlemen in every way in which we can do it without too great inconvenience or commitment of our own government. I think it our interest to do so; and am under this impression in the present case so much, that I should readily concur, if it be the pleasure of the President, in reconsidering the rule adopted on a late occasion, and substituting any other consistent with our public duties, more adapted to the gratification of the diplomatic gentlemen, and uniformly to be applied where the material circumstances shall be the same; for it would reverse our aim were we to put ourselves in the case of disobliging one by refusing what we have done to gratify another. In these sentiments, I will hand to the President any application which M. de Ternant shall think proper to communicate to me in writing. I have the honor to be, with great respect, Sir, your most obedient humble servant.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, May 3, 1793.

SIR,—The Minister Plenipotentiary of his Britannic Majesty has represented to the government of the United States, that on the 25th of April last, the British ship Grange, while lying at anchor in the bay of Delaware, within the territory and jurisdiction of the United States, was taken possession of by the Embuscade, a frigate of the French Republic, has been brought to this port, where she is now detained as prize, and the crew as prisoners, and has made a requisition in form, for a restoration of the vessel and liberation of the crew. I have the honor to furnish you with copies of the evidence given in by the British minister, and to observe, that the United States being at peace with all parties, cannot see with indifference its territory or jurisdiction violated by either; that the government will therefore proceed to inquire into the facts, and for that purpose will receive with pleasure, and consider with impartiality, any evidence you will be pleased to have them furnished with on the subject; and the President hopes that you will take effectual measures for detaining here the vessel taken, her crew and cargo, to abide the decision which will be made thereon, and which is desired to be without delay.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO COLONEL JAMES MONROE.

PHILADELPHIA, May 5, 1793.

DEAR SIR,—The expectation that you are always from home prevents my writing to you with regularity; a matter of little consequence to you, as you probably receive Freneau's paper regularly, and consequently all the news of any importance.

The fiscal party having tricked the House of Representatives out of the negative vote they obtained, seem determined not to lose the ground they gained by entering the lists again on matters of fact and reason; they, therefore, preserve a triumphant silence, notwithstanding the attack of the pamphlet entitled "An Examination Se-and-of-Timon." They show their wisdom in this, if not their honesty. The war between France and England seems to be producing an effect not contemplated. All the old spirit of 1776, rekindling the newspapers from Boston to Charleston, proves this; and even the monocrat papers are obliged to publish the most furious philippics against England. A French frigate took a British prize off the capes of Delaware the other day, and sent her up here. Upon her coming into sight, thousands and thousands of the *yeomanry* of the city crowded and covered the wharves. Never before was such a crowd seen there; and when the British colors were seen *reversed*, and the French flying above them, they burst into peals of exultation. I wish we may

be able to repress the spirit of the people within the limits of a fair neutrality. In the meantime, H. is panic-struck, if we refuse our breech to every kick which Great Britain may choose to give it. He is for proclaiming at once the most abject principles, such as would invite and merit habitual insults; and indeed every inch of ground must be fought in our councils to desperation, in order to hold up the face of even a sneaking neutrality, for our votes are generally two and a half against one and a half. Some propositions have come from him which would astonish Mr. Pitt himself with their boldness. If we preserve even a sneaking neutrality, we shall be indebted for it to the President, and not to his counsellors. Immense bankruptcies have taken place in England. The last advices made them amount to eleven millions sterling, and still going on. Of the houses connected with America, they have fallen only on those who had dealt in American paper. The beginning of the business was from the alarm occasioned by the war, which induced cautious people to withdraw their money from the country banks. This induced the Bank of England to stop discounting, which brought on a general crush, which was still going on. It is said that two millions of manufacturers would be put out of employ by these failures. This is probably exaggerated. The stocks are very low here now, and an immense mass of paper is expected to be returned immediately from England, so that they will be

still lower. Notwithstanding this, the sinking fund is idle, not having had a shilling to lay out (except the interest of the part sunk). You will see in Freneau's next paper, a most advantageous decree of the French National Assembly in our favor. They have lately sustained some severe checks. The papers will confuse you on the subject. The truth is, that in a combination of three operations, Clairfayt killed and wounded 1,400, took 600. Saxe Cobourg killed and wounded 4,000, and took 1,600. Brunswick killed and wounded 1,300, and took 700. This is the sum. Their defects are as sensibly felt at Philadelphia as at Paris, and I foresee we are to have a trying campaign of it. Great Britain has as yet not condescended to notice us in any way. No wish expressed of her neutrality, no answer of any kind to a single complaint for the daily violations committed on our sailors and ships. Indeed, we promise beforehand so fast that she has not time to ask anything. We expect Genet daily. When Ternant received certain account of his appointment, thinking he had nothing further to hope from the Jacobins, he that very day found out something to be offended at in me (in which I had been made *ex officio* the ostensible agent in what came from another quarter, and he has never been undeceived), attached himself intimately to Hamilton, put on mourning for the King, and became a perfect counter revolutioner. A few days ago, he received a letter from Genet, giving

him a hope that they will employ him in the army. On this, he tacked about again, became a Jacobin, and refused to present the Viscount Noailles, and some French aristocrats arrived here. From what I learn from Noailles, La Fayette has been more imprudent than I expected, but certainly innocent.

Present my best affections to Mrs. Monroe, and accept them for yourself also. Yours sincerely.

TO THOMAS PINCKNEY.

PHILADELPHIA, May 7, 1793.

DEAR SIR,—Since my letter of April the 16th, yours have been received of March the 12th, 12th, 13th, 13th, and 19th. Before the receipt of these, one of which covered the form of your passports, it had been determined here, that passports should be issued in *our own ports* only, as well to secure us against those collusions which would be fraudulent towards our friends, and would introduce a competition injurious to our own vessels, as to induce these to remain in our own service, and thereby give to the productions of our own soil the protection of its own flag in its passage to foreign markets. As our citizens are free to purchase and use *foreign-built* vessels, and these, like all their other lawful property, are entitled to the protection of their government, passports will be issued to them as freely as to *home-built* vessels. This is strictly

within our treaties, the letter of which, as well as their spirit, authorizes passports to all vessels *belonging* to citizens of the United States. Our laws, indeed, indulge home-built vessels with the payment of a lower tonnage, and to evidence their right to this, permit them alone to take out registers from our own offices; but they do not exclude foreign-built vessels owned by our citizens from any other right. As our home-built vessels are adequate to but a small proportion of our transportation, if we could not suddenly augment the stock of our shipping, our produce would be subject to war insurance in the vessels of the belligerent powers, though we remain at peace ourselves.

In one of your letters of March the 13th, you express your apprehension that some of the belligerent powers may stop our vessels going with grain to the ports of their enemies, and ask instructions which may meet the question in various points of view, intending, however, in the meantime, to contend for the amplest freedom of neutral nations. Your intention in this is perfectly proper, and coincides with the ideas of our own government in the particular case you put, as in general cases. Such a stoppage to an unblockaded port would be so unequivocal an infringement of the neutral rights, that we cannot conceive it will be attempted. With respect to our conduct as a neutral nation, it is marked out in our treaties with France and Holland, two of the belligerent powers; and as the duties of

neutrality require an *equal* conduct to both parties, we should, on that ground, act on the same principles towards Great Britain. We presume that this would be satisfactory to her because of its equality, and because she too has sanctioned the same principles in her treaty with France. Even our seventeenth article with France, which might be disagreeable, as from its nature it is unequal, is adopted exactly by Great Britain in her fortieth article with the same power, and would have laid her, in a like case, under the same unequal obligations against us. We wish then, that it could be arranged with Great Britain, that our treaties with France and Holland, and that of France and Great Britain (which agree in what respects neutral nations), should form the line of conduct for us all, in the present war, in the cases for which they provide. Where they are silent, the general principles of the law of nations must give the rule, as the principles of that law have been liberalized in latter times by the refinement of manners and morals, and evidenced by the declarations, stipulations, and practice of every civilized nation. In our treaty with Prussia, indeed, we have gone ahead of other nations, in doing away restraints on the commerce of peaceful nations, by declaring that nothing shall be contraband. For in truth, in the present improved state of the arts, when every country has such ample means of procuring arms within and without itself, the regulations of contraband answer no other end than to draw

other nations into the war. However, as other nations have not given sanction to this improvement, we claim it, at present, with Prussia alone.

You are desired to persevere till you obtain a regulation to guard our vessels from having their hands impressed, and to inhibit the British navy officers from taking them under the pretext of their being British subjects. There appears but one practical rule, that the vessel being American, shall be conclusive evidence that the hands are so to a certain number, proportioned to her tonnage. Not more than one or two officers shall be permitted to visit a vessel. Mr. Albion Coxe has just arrived.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO EDMUND RANDOLPH.

May 8, 1793.

I have been still reflecting on the draft of letter from the Secretary of the Treasury to the custom house officers, instructing them to be on the watch as to all infractions or tendencies to infraction of the laws of neutrality by our citizens, and to communicate the same to him. When this paper was first communicated to me, though the whole of it struck me disagreeably, I did not in the first moment see clearly the improprieties but of the last clause. The more I have reflected, the more objectionable

the whole appears. By this proposal the collectors of the customs are to be made an established corps of spies or informers against their fellow citizens, whose actions they are to watch in secret, inform against in secret to the Secretary of the Treasury, who is to communicate it to the President. If the action and evidence appear to justify a prosecution, a prosecution is to be set on foot on the *secret information of a collector*. If it will not justify it, then the only consequence is that the mind of government has been poisoned against a citizen, neither known nor suspecting it, and perhaps too distant to bring forward his justification. This will at least furnish the collector with a convenient weapon to keep down a rival, draw a cloud over an inconvenient censor, or satisfy mere malice and private enmity. The object of this new institution is to be to prevent infractions of the laws of neutrality, and preserve our peace with foreign nations. Acts involving war, or proceedings which respect foreign nations, seem to belong either to the department of war, or to that which is charged with the affairs of foreign nations; but I cannot possibly conceive how the superintendence of the laws of neutrality, or the preservation of our peace with foreign nations, can be ascribed to the department of the treasury, which I suppose to comprehend merely matters of revenue. It would be to add a new and a large field to a department already amply provided with business, patronage, and influence. It was urged

as a reason that the collectors of the customs are in convenient positions for this espionage. They are in convenient positions, too, for building ships of war; but will that business be transplanted from its department, merely because it can be conveniently done in another? It seemed the desire that if this means was disapproved, some other equivalent might be adopted. Though we consider the acts of a foreigner making a captive within our limits, as an act of public hostility, and therefore to be turned over to the military, rather than the civil power; yet the acts of our own citizens infringing the laws of neutrality or contemplating that, are offences against the ordinary laws and cognisable by them. Grand juries are the constitutional inquisitors and informers of the country, they are scattered everywhere, see everything, see it while they suppose themselves mere private persons, and not with the prejudiced eye of a permanent and systematic spy. Their information is on *oath*, is public, it is in the vicinage of the party charged, and can be at once refuted. These officers taken only occasionally from among the people, are familiar to them, the office respected, and the experience of centuries has shown that it is safely entrusted with our character, property and liberty. A grand juror cannot carry on systematic persecution against a neighbor whom he hates, because he is not permanent in the office. The judges generally, by a charge, instruct the grand jurors in the infractions of law which are to

be noticed by them; and our judges are in the habit of printing their charges in the newspapers. The judges, having notice of the proclamation, will perceive that the occurrence of a foreign war has brought into activity the laws of neutrality, as a part of the law of the land. This new branch of the law they will know needs explanation to the grand juries more than any other. They will study and define the subjects to them and to the public. The public mind will by this be warned against the acts which may endanger our peace, foreign nations will see a much more respectable evidence of our *bona fide* intentions to preserve neutrality, and society will be relieved from the inquietude which must forever be excited by the knowledge of the existence of such a poison in it as secret accusation. It will be easy to suggest this matter to the attention of the judges, and that alone puts the whole machine into motion. The one is a familiar, impartial and precious instrument, the other, not popular in its present functions, will be odious in the new ones, and the odium will reach the Executive, who will be considered as having planted a germ of private inquisition absolutely unknown to our laws. I am not quite certain what was considered as agreed upon yesterday; it cannot be too late, however, to suggest the substitution of the judges and grand jurors in place of the collectors of the customs.

TO THE SECRETARY OF THE TREASURY.

PHILADELPHIA, May 8, 1793.

SIR,—I had wished to have kept back the issuing passports for sea vessels till the question should be decided whether the treaty with France should be declared void, lest the issuing the passports presented by that treaty might be considered as prejudging the question. The importunities, however, of the owners obliging me to give out a few, I had them printed in the Dutch form only. Not then having sufficiently considered on the best mode of distributing them, I took the liberty as, an expedient of the moment, of sending seven (the number of vessels then waiting in this port) to Mr. Delaney, asking the favor of him to fill them up and deliver them for me. Application for another parcel coming, and the applicant not being able to wait himself till I could send them to be signed by the President, he desired I would lodge them with Mr. Cox, on whom it would be convenient for him to call for them. I did so; and afterwards sent a second parcel of a dozen, which were pressingly requested. The President having now decided that the French passport may also be used, it is at this time in the press, and the whole instrument completed with the two passports. Letters and certificate in its final form, will be ready for signature to-morrow. It has, therefore, now become necessary to determine on the ultimate channel of distributing

them. I am not the judge whether the task of distribution might interfere too much with the other duties of the collectors of the customs. If it would not, their position seems best accommodated to that distribution. I took the liberty, therefore, to-day, of proposing to the President that, if you should think there would be no inconvenience in charging them with the distribution, the blanks might be lodged with them; of which he approved, and I have now the honor of submitting that question to you. If you find no inconvenience in it, I will send 500 blanks, as soon as they shall be signed, either to your office or to that of the commissioners of the revenue, whichever you shall prefer, to be forwarded to the collectors of the different ports; and from time to time afterwards will keep up a supply. Should it, however, in your opinion, interfere too much with the other duties of those officers, I will submit to the President the depositing them with the deputy marshals appointed, or to be appointed in every port.

I will ask the favor of your answer, as the applications are numerous and pressing, and I am unwilling to be further troublesome to the gentlemen who have hitherto been so kind as to fill up and deliver them for me till some arrangement would be made which might relieve me personally from a business with the details of which I was not acquainted. I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, May 13, 1793.

I wrote you on the 5th covering an open letter to Colonel Monroe, since that I have received yours of April 29. We are going on here in the same spirit still. The Anglophobia has seized violently on three members of our council. This sets almost every day on questions of neutrality. H. produced the other day the draft of a letter from himself to the collector of the customs, giving them in charge to watch over all proceedings in their district, contrary to the laws of neutrality or tending to impair our peace with the belligerent powers, and particularly to observe if vessels pierced for guns should be built, and to inform *him* of it. This was objected to, 1st. As setting up a system of espionage, destructive of the peace of society. 2d. Transferring to the treasury department the conservation of the laws of neutrality and peace with foreign nations. 3d. It was rather proposed to intimate to the judges that the laws respecting neutrality being now come into activity, they should charge grand juries with the observance of them; these being constitutional and public informers, and the persons accused knowing of what they should do, and having an opportunity of justifying themselves. E. R. found out a hair to split, which, as always happens, became the decision. H. is to write to the collectors of the customs, who are to convey

their information to the attorney of the district, to whom E. R. is to write, to receive their information and proceed by indictment. The clause respecting the building vessels pierced for guns is to be omitted; for, though three against one, thought it would be a breach of neutrality; yet they thought we might defer giving a public opinion on it as yet. Everything, my dear Sir, hangs upon the opinion of a single person, and that the most indecisive one I ever had to do business with. He always contrives to agree in principle with one, but in conclusion with the other. Anglophobia, secret anti-gallomany, a *federalisme outrée*, and a present ease in his circumstances not usual, have decided the complexion of our dispositions, and our proceedings towards the conspirators against human liberty, and the asserters of it, which is unjustifiable in principle, in interest, and in respect to the wishes of our constituents. A manly neutrality, claiming the liberal rights ascribed to that condition by the very persons at war, was the part we should have taken, and would I believe have given satisfaction to our allies. If anything prevents its being a mere English neutrality, it will be that the penchant of the President is not that way, and above all, the ardent spirit of our constituents. The line is now drawn so clearly as to show on one side, 1. The fashionable circles of Philadelphia, New York, Boston and Charleston, (natural aristocrats.) 2. Merchants trading on British capital. 3. Paper

men, (all the old tories are found in some one of the three descriptions.) On the other side are, 1. Merchants trading on their own capital. 2. Irish merchants. 3. Tradesmen, mechanics, farmers, and every other possible description of our citizens. Genet is not yet arrived though hourly expected. I have just heard that the workmen I had desired from Europe were engaged and about to embark. Another strong motive for making me uneasy here. Adieu.

TO GEORGE HAMMOND.

PHILADELPHIA, May 15, 1793.

SIR,—Your several memorials of the 8th instant have been laid before the President, as had been that of the 2d, as soon as received. They have been considered with all the attention and the impartiality which a firm determination to do what is equal and right between all the belligerent powers, could inspire.

In one of these, you communicate, on the information of the British consul at Charleston, that the consul of France at the same place had condemned as legal prize, a British vessel, captured by a French frigate, and you justly add that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. I observe further, that it is not warranted by any law of the land. It is con-

sequently a mere nullity; as such it can be respected in no court, can make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it. In short, it is so absolutely nothing as to give no foundation of just concern to any person interested in the fate of the vessel; and in this point of view, Sir, I am in hopes you will see it. The proceeding, indeed, if the British consul has been rightly informed, and we have no other information of it, has been an act of disrespect towards the United States, to which its government cannot be inattentive; a just sense of our own rights and duties, and the obviousness of the principle, are a security that no inconveniences will be permitted to arise from repetitions of it.

The purchase of arms and military accoutrements by an agent of the French government, in this country, with an intent to export them to France, is the subject of another of the memorials. Of this fact we are equally uninformed as of the former. Our citizens have been always free to make, vend and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace,

does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned; and that even private contraventions may work no inequality between the parties at war, the benefits of them will be left equally free and open to all.

The capture of the British ship, Grange, by the French frigate, l'Embuscade, has on inquiry been found to have taken place within the bay of Delaware and jurisdiction of the United States, as stated in your memorial of the 2d instant. The Government is, therefore, taking measures for the liberation of the crew and restitution of the ship and cargo.

It condemns in the highest degree the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and will exert all the means with which the laws and Constitution have armed them to discover such as offend herein, and bring them to condign punishment. Of these dispositions I am authorized to give assurances to all the parties, without reserve. Our real friendship for them all, our desire to pursue ourselves the path of peace, as the only one leading surely to

prosperity, and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, may assure you that our proceedings in this respect, will be with good faith, fervor and vigilance. Instructions are consequently given to the proper law officer, to institute such proceedings as the laws will justify, for apprehending and punishing certain individuals of our citizens, suggested to have been concerned in enterprises of this kind, as mentioned in one of your memorials of the 8th instant.

The practice of commissioning, equipping and manning vessels in our ports, to cruise on any of the belligerent parties, is equally and entirely disapproved; and the Government will take effectual measures to prevent a repetition of it. The remaining point in the same memorial is reserved for further consideration.

I trust, Sir, that in the readiness with which the United States have attended to the redress of such wrongs as are committed by their citizens, or within their jurisdiction, you will see proofs of their justice and impartiality to all parties; and that it will insure to their citizens pursuing their lawful business by sea or by land, in all parts of the world, a like efficacious interposition of governing powers to protect them from injury, and redress it, where it has taken place. With such dispositions on both sides, vigilantly and faithfully carried into effect, we may hope that the blessings of peace on the one

part, will be as little impaired, and the evils of war on the other, as little aggravated, as the nature of things will permit; and that this should be so, is, we trust, the prayer of all.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO MONSIEUR DE TERNANT.[1]

PHILADELPHIA, May 15, 1793.

SIR,—Having received several memorials from the British minister on subjects arising out of the present war, I take the liberty of enclosing them to you, and shall add an explanation of the determinations of the government thereon. These will serve to indicate the principles on which it is meant to proceed; and which are to be applied, with impartiality, to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them as for us.

In one of these memorials, it is stated, that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export them to France. We have answered, etc.

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Another of these memorials complains that the consul of France at Charleston, has condemned as legal prize, a British vessel captured by a French

[1 The parts of this letter which are mere repetitions of what is contained in the preceding, to the British minister, are omitted.]

frigate, observing that this judicial act is not warranted by the usage of nations nor by the stipulations existing between the United States and France.

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Our information is not perfect on the subject matter of another of these memorials, which states that a vessel has been fitted out at Charleston, manned there, and partly, too, with citizens of the United States, received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations, parties to the present war, and to declare, that if the case has happened, or that should it happen, we will exert all the measures with which the laws and Constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprises be attempted against your nation, I am authorized to give you the most unreserved assurances.

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The capture of the British ship, Grange, by the French frigate, l'Embuscade, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the Government deems the capture to have been unquestionably

within its jurisdiction, and that according to the rules of neutrality and the protection it owes to all persons while within its limits, it is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The Attorney General of the United States has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am, in consequence, charged by the President of the United States to express to you his expectation, and at the same time his confidence, that you will be pleased to take immediate and effectual measures for having the ship, Grange, and her cargo restored to the British owners, and the persons taken on board her set at liberty.

I am persuaded, Sir, you will be sensible, on mature consideration, that in forming these determinations, the Government of the United States has listened to nothing but the dictates of immutable justice; they consider the rigorous exercise of that virtue as the surest means of preserving perfect harmony between the United States and the powers at war.

I have the honor to be, with sentiments of great respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, May 19, 1793.

I dare say you will have judged from the pusillanimity of the proclamation, from whose pen it came. A fear lest any affection should be discovered is distinguishable enough. This base fear will produce the very evil they wish to avoid. For our constituents seeing that the Government does not express their mind, perhaps rather leans the other way, are coming forward to express it themselves. It was suspected that there was not a clear mind in the P's counsellors to receive Genet. The citizens, however, determined to receive him. Arrangements were taken for meeting him at Gray's Ferry in a great body. He escaped that by arriving in town with the letters which brought information that he was on the road. The merchants, *i. e.* Fitzsimmons & Co., were to present an address to *the P.* on the neutrality proclaimed. It contained much wisdom, but no affection. You will see it in the papers enclosed. The citizens are determined to address *Genet.* Rittenhouse, Hutcheson, Dallas, Sargeant, etc., were at the head of it. Though a select body of only thirty was appointed to present it, yet a vast concourse of people attended him. I have not seen it; but it is understood to be the counter address. Ternant's hopes of employment in the French army turn out to be without grounds. He is told by the Minister of War expressly that the

places of Maréchal de Camp are all full. He thinks it more prudent, therefore, to remain in America. He delivered yesterday his letters of recall, and Mr. Genet presented his of credence. It is impossible for anything to be more affectionate, more magnanimous than the purport of his mission. We know that under present circumstances we have a right to call upon you for the guarantee of our islands. But we do not desire it. We wish you to do nothing but what is for your own good, and we will do all in our power to promote it. Cherish your own peace and prosperity. You have expressed a willingness to enter into a more liberal treaty of commerce with us; I bring full powers (and he produced them) to form such a treaty, and a preliminary decree of the National Convention to lay open our country and its colonies to you for every purpose of utility, without your participating the burdens of maintaining and defending them. We see in you the only person on earth who can love us sincerely, and merit to be so loved. In short, he offers everything, and asks nothing. Yet I know the offers will be opposed, and suspect they will not be accepted. In short, my dear Sir, it is impossible for you to conceive what is passing in our conclave; and it is evident that one or two, at least, under pretence of avoiding war on the one side, have no great antipathy to run foul of it on the other, and to make a part in the confederacy of princes against human liberty. The people in the western parts of this

State have been to the excise officer, and threatened to burn his house, etc. They were blackened and otherwise disguised, so as to be unknown. He has resigned, and H. says there is no possibility of getting the law executed there, and that probably the evil will spread. A proclamation is to be issued, and another instance of my being forced to appear to approve what I have condemned uniformly from its first conception.

I expect every day to receive from Mr. Pinckney the model of the Scotch threshing machine. It was to have come in a ship which arrived three weeks ago, but the workman had not quite finished it. Mr. P. writes me word that the machine from which my model is taken, threshes eight quarters (sixty-four bushels) of oats *an hour*, with four horses and four men. I hope to get it in time to have one erected at Monticello to clean out the present crop. I enclose you the pamphlet you desired. Adieu.

TO THE GOVERNOR OF VIRGINIA.

PHILADELPHIA, May 21, 1793.

SIR,—I have been duly honored with your favor of May the 8th, covering the letter of Mr. Newton, and that of May the 13th, with the letter of the British Consul at Norfolk and the information of Henry Tucker, all of which have been laid before the President.

The putting the several harbors of the United States into a state of defence, having never yet been the subject of deliberation and decision with the Legislature, and consequently, the necessary moneys not having been appropriated or levied, the President does not find himself in a situation competent to comply with the proposition on the subject of Norfolk.

Mr. Newton supposes, that by the treaties with France and Holland, those powers are authorized to arm vessels within our ports. A careful examination of the treaties will show, however, that no such permission has been stipulated therein. Measures are accordingly taken to correct this error as to the past, and others will be taken to prevent a repetition of it. Proceedings are ordered against Mr. Hooper and other American citizens who have participated in any hostilities against nations at peace with the United States, and circular instructions are given to the District Attorneys of the United States, to institute like prosecutions in all future similar cases. The bringing vessels to, of whatever nation, while within the limits of the protection of the United States, will be pointedly forbidden; the Government being firmly determined to enforce a peaceable demeanor among all the parties within those limits, and to deal to all the same impartial measure.

I have the honor to be, with the most perfect respect, your Excellency's most obedient, and most humble servant.

TO MR. VAN BERCKEL.

PHILADELPHIA, May 29, 1793.

SIR,—I am favored with your note of the 22d instant, stating that under circumstances of invasion and urgent danger, their High Mightinesses, the States General of the United Netherlands, had found it necessary to lay an embargo on all vessels in their ports; and that an American ship, the Hope, being involved in this general order, the master had claimed an exemption under the eighth article of our treaty, which it had been necessary to refuse him.

I have laid this note before the President of the United States, and have it in charge from him to assure you, that the United States having the utmost confidence in the sincerity and good faith with which their High Mightinesses will observe the treaty between the two countries, feel no dissatisfaction at the circumstance mentioned in your note. They are sensible that in human affairs, there are moments of difficulty and necessity, to which it is the office of friendship to accommodate its strict rights.

The President considers the explanation, which their High Mightinesses have instructed you to give of this incident, as a proof of their desire to cultivate harmony and good understanding with these United States, and charges me to assure you that he has nothing more at heart than to convince their High Mightinesses of the same amicable sentiments on

the part of this country, and of the certainty with which they may count on its justice and friendship on every occasion.

I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, May 31, 1793.

GENTLEMEN,—In my letters of October the 14th and November the 3d, 1792, I communicated to you papers and observations on the conduct of the Spanish officers on our south-western frontier, and particularly of the Baron de Carondelet, the Governor of New Orleans. These made it evident that he had industriously excited the southern Indians to war against us, and had furnished them with arms and ammunition in abundance, for that express purpose. We placed this under the view of the commissioners of Spain here, who undertook to communicate it to their court, and also to write on the subject to the Baron de Carondelet. They have lately made us communications from both these quarters; the aspect of which, however, is by no means such as to remove the causes of our dissatisfaction. I send you these communications, consisting of treaties between Spain, the Creeks, Choctaws, Chickasaws and Cherokees, handed us by express order from their court, a speech of Baron de

Carondelet to the Cherokees, and a letter from Messrs. de Viar and Jaudenes, covering that speech, and containing in itself very serious matter.

I will first observe to you, that the question stated in that letter to have been proposed to the Cherokees, —what part they would take, in the event of a war between the United States and Spain?—was never proposed by authority from this Government. Its instructions to its agents have, on the contrary, been explicitly to cultivate, with good faith, the peace between Spain and the Indians; and from the known prudence and good conduct of Governor Blount, to whom it is imputed, it is not believed to have been proposed by him. This proposition then, you are authorized to disavow to the court of Madrid, in the most unequivocal terms.

With respect to the treaties, the speech and the letter, you will see that they undertake to espouse the concerns of Indians within our limits; to be mediators of boundary between them and us; to guarantee that boundary to them; to support them with their whole power; and hazard to us intimations of acquiescence to avoid disagreeable results. They even propose to extend their intermeddlings to the northern Indians. These are pretensions so totally inconsistent with the usages established among the white nations, with respect to Indians living within their several limits, that it is believed no example of them can be produced, in times of peace; and they are presented to us in a manner which we

cannot deem friendly. The consequence is, that the Indians, and particularly the Creeks, finding themselves so encouraged, have passed, without the least provocation on our part, from a state of peace, which appeared to be well settled, to that of serious hostility. Their murders and depredations, which, for some months, we were willing to hope were only individual aggressions, now assume the appearance of unequivocal war. Yet such is our desire of courting and cultivating the peace of all our Indian neighbors, that instead of marching at once into their country and taking satisfaction ourselves, we are peaceably requiring punishment of the individual aggressors; and, in the meantime, are holding ourselves entirely on the defensive. But this state of things cannot continue. Our citizens are entitled to effectual protection, and defensive measures are, at the same time, the most expensive and least effectual. If we find then, that peace cannot be obtained by the temperate means we are still pursuing, we must proceed to those which are extreme, and meet all the consequences, of whatever nature, or from whatever quarter they may be. We have certainly been always desirous to avoid whatever might disturb our harmony with Spain. We should be still more so, at a moment when we see that nation making part of so powerful a confederacy as is formed in Europe, and under particular good understanding with England, our other neighbor. In so delicate a position, there-

fore, instead of expressing our sense of these things, by way of answer to Messrs. Viar and Jaudenes, the President has thought it better that it should be done to you, and to trust to your discretion the moment, the measure, and the form of communicating it to the court of Madrid. The actual state of Europe at the time you will receive this, the solidity of the confederacy, and especially as between Spain and England, the temper and views of the former, or of both, towards us, the state of your negotiation, are circumstances which will enable you better to decide how far it may be necessary to soften, or even perhaps to suppress, the expressions of our sentiments on this subject. To your discretion, therefore, it is committed by the President, to let the court of Spain see how impossible it is for us to submit with folded arms to be butchered by these savages, and to prepare them to view, with a just eye, the more vigorous measures we must pursue to put an end to their atrocities, if the moderate ones we are now taking should fail of that effect.

Our situation on other accounts and in other quarters, is critical. The President is, therefore, constantly anxious to know the state of things with you, and I entreat you to keep him constantly and well-informed. Mr. Yznardi, the younger, lately appointed consul of the United States at Cadiz, may be a convenient channel of forwarding your letters.

I have the honor to be, with great esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, June 2, 1793.

I wrote you on the 27th ult. You have seen in the papers that some privateers have been fitted out in Charleston by French citizens, with their own money, manned by themselves, and regularly commissioned by their nation. They have taken several prizes, and brought them into our ports. Some native citizens had joined them. These are arrested and under prosecution, and orders are sent to all the ports to prevent the equipping privateers by any persons foreign or native. So far is right. But the vessels so equipped at Charleston are ordered to leave the ports of the United States. This I think was not right. Hammond demanded further surrender of the prizes they had taken. This is refused on the principle that by the laws of war the property is transferred to the captors. You will see in a paper I enclose, Dumourier's "Address to his nation, and also Saxe Cobourg." I am glad to see a probability that the constitution of 1791, would be the term at which the combined powers would stop. Consequently, that the re-establishment of that is the worst the French have to fear. I am also glad to see that the combiners adopt the slow process of nibbling at the strong posts on the frontiers. This will give to France a great deal of time. The thing which gives me uneasiness is their internal combustion. This may

by famine be rendered extreme. E. R. sets out the day after to-morrow for Virginia. I have no doubt he is charged to bring back a faithful statement of the dispositions of that State. I wish, therefore, he may fall into hands which will not deceive him. Have you time and the means of impressing Wilson Nicholas (who will be much with E. R.) with the necessity of giving him a strong and perfect understanding of the public mind? Considering that this journey may strengthen his nerves, and dispose him more favorably to the propositions of a treaty between the two republics, knowing that in this moment the division on that question is 4 to 1, and that the last news has no tendency to proselyte any of the majority, I have myself proposed to refer taking up the question till his return. There is, too, at this time a lowering disposition perceivable both in England and Spain. The former keeps herself aloof, and in a state of incommunication with us, except in the way of demand. The latter has not begun auspiciously with C. and S. at Madrid, and has lately sent 1,500 men to New Orleans, and greatly strengthened her upper posts on the Mississippi. I think it more probable than otherwise that Congress will be convened before the constitutional day. About the last of July this may be known. I should myself wish to keep their meeting off to the beginning of October, if affairs will permit it. The invasion of the Creeks is what will most likely occasion its

convocation. You will see Mrs. House's death mentioned in the papers. She extinguished almost like a candle. I have not seen Mrs. Trist since, but I am told she means to give up the house immediately, and that she has suffered great loss in her own fortune by exertions hitherto to support it. Browse is not returned, nor has been heard of for some time. Bartram is extremely anxious to get a large supply of seeds of the Kentucky coffee tree. I told him I would use all my interest with you to obtain it, as I think I heard you say that some neighbors of yours had a large number of trees. Be so good as to take measures for bringing a good quantity, if possible, to Bartram when you come to Congress. Adieu. Yours affectionately.

TO EDMUND RANDOLPH.

PHILADELPHIA, June 2, 1793.

DEAR SIR,—I have to acknowledge the receipt of yours of May 16th, with the information always pleasing of your being all well. In addition to the news which you will see in the papers, we now have the certainty of Dumourier's operation. He had proposed an armistice to the Prince of Saxe Cobourg, which was agreed to on condition of his withdrawing his troops from the Netherlands. He did so; it was then agreed that he should march with his army (on whom he thought he could rely) to Paris, and re-establish the constitution of 1791.

On which Cobourg stipulated peace on the part of the Emperor and K. of Prussia. Dumourier's army knew nothing of this. He made them believe the deputies sent from the National Assembly were to arrest and carry him to Paris to be tried for his defeat of the 18th to the 22d of March. They considered this as an injury to themselves, and really loved and confided in him. They set out with him, but very soon began to suspect his purpose was to overset the republic, and set up a king. They began to drop off in parties, and at length in a body refused to go further. On this he fled with two regiments of horse, mostly foreigners, to the Austrians. His Saxe Cobourg's address to the French nation prove all this. Hostilities recommenced; and the combiners have determined not to attempt to march to Paris, as the last year, but to take all the strong places on the frontier. This will at least give time to the republic. The first thing to be feared for them is famine. This will infallibly produce anarchy. Indeed, that joined to a draught of soldiers, has already produced some serious insurrections. It is still a comfort to see by the address of Dumourier and Saxe Cobourg that the constitution of 1791 is the worst thing which is to be forced on the French. But even the falling back to that would give wonderful vigor to our monocrats, and unquestionably affect the tone of administering our government. Indeed, I fear that if this summer should prove disastrous to the French, it will damp

that energy of republicanism in our new Congress, from which I had hoped so much reformation. We have had here for a considerable time past true winter weather, quite cold enough for white frost. Though that accident has not happened, fires are still kept up, having been intermitted only for short intervals of very hot weather. I have not yet received my model of the threshing mill. I wish it may come in time for the present crop; after so mild a winter as the last we must expect weavil. My love to my dear Martha, and kiss the little ones for me. Adieu my dear Sir. Yours with constant affection.

E. C. GENET, MINISTER PLENIPOTENTIARY OF FRANCE.

PHILADELPHIA, June 5, 1793.

SIR,—In my letter of May the 15th, to M. de Ternant, your predecessor, after stating the answer which had been given to the several memorials of the British Minister, of May the 8th, it was observed that a part still remained unanswered of that which respected the fitting out of armed vessels in Charleston, to cruise against nations with whom we were at peace.

In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the Citizen Genet, had come into this port with a prize; that the President had thereupon taken the case into further consideration,

and after mature consultation and deliberation, was of opinion, that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromit their peace; and that he thought it necessary as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it which contains your observations on this subject has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give your representations thereon, the consideration they deservedly claim. After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the *right* of every nation to prohibit acts of sovereignty from being exercised by any other within its limits; and the *duty* of a neutral nation to prohibit such as would injure one of the warring powers; that the granting military commissions within the United States by any other

authority than their own, it is an infringement on their sovereignty, and particularly so when granted to their own citizens to lead them to acts contrary to the duties they owe their own country; that the departure of vessels thus illegally equipped from the ports of the United States, will be but an acknowledgment of respect analogous to the breach of it, while it is necessary on their part, as an evidence of their faithful neutrality. On these considerations, Sir, the President thinks that the United States owe it to themselves and to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the laws of nations make an integral part.

The expressions of friendly sentiments which we have already had the satisfaction of receiving from you, leave no room to doubt that the conclusion of the President being thus made known to you, these vessels will be permitted to give no further umbrage by their presence in the ports of the United States.

I have the honor to be, with sentiments of perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO GEORGE HAMMOND.

PHILADELPHIA, June 5, 1793.

SIR,—In the letter which I had the honor of writing you on the 15th of May, in answer to your several

memorials of the 8th of that month, I mentioned that the President reserved for further consideration, a part of the one which related to the equipment of two privateers in the port of Charleston. The part alluded to, was that wherein you express your confidence that the executive government of the United States would pursue measures for repressing such practices in future, and for restoring to their rightful owners any captures, which such privateers might bring into the ports of the United States.

The President, after a full investigation of this subject and the most mature consideration, has charged me to communicate to you, that the first part of this application is found to be just, and that effectual measures are taken for preventing repetitions of the act therein complained of; but that the latter part, desiring restitution of the prizes, is understood to be inconsistent with the rules which govern such cases, and would, therefore, be unjustifiable towards the other party.

The principal agents in this transaction were French citizens. Being within the United States at the moment a war broke out between their own and another country, they determine to go into its defence; they purchase, they arm and equip a vessel with their own money, man it themselves, receive a regular commission from their nation, depart out of the United States, and then commence hostilities by capturing a vessel. If, under these circumstances, the commission of the captors was

valid, the property, according to the laws of war, was by the capture transferred to them, and it would be an aggression on their nation, for the United States to rescue it from them, whether on the high seas or on coming into their ports. If the commission was not valid, and, consequently, the property not transferred by the laws of war to the captors, then the case would have been cognizable in our courts of admiralty, and the owners might have gone thither for redress. So that on neither supposition, would the Executive be justifiable in interposing.

With respect to the United States, the transaction can be in nowise imputed to them. It was the first moment of the war, in one of their most distant ports, before measures could be provided by the government to meet all the cases which such a state of things was to produce, impossible to have been known, and, therefore, impossible to have been prevented by that government.

The moment it was known, the most energetic orders were sent to every State and port of the Union, to prevent a repetition of the accident. On a suggestion that citizens of the United States had taken part in the act, one, who was designated, was instantly committed to prison, for prosecution; one or two others have been since named, and committed in like manner; and should it appear that there were still others, no measures will be spared to bring them to justice. The President has even gone

further. He has required, as a reparation of their breach of respect to the United States, that the vessels so armed and equipped, shall depart from our ports.

You will see, Sir, in these proceedings of the President, unequivocal proofs of the line of strict right which he means to pursue. The measures now mentioned, are taken in justice to the one party; the ulterior measure, of seizing and restoring the prizes, is declined in justice to the other; and the evil, thus early arrested, will be of very limited effects; perhaps, indeed, soon disappear altogether.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, June 6, 1793.

I cannot but think that to decline the propositions of Mr. Genet on the subject of our debt, without assigning any reason at all, would have a very dry and unpleasant aspect indeed. We are then to examine what are our good reasons for the refusal, which of them may be spoken out, and which may not. 1st. Want of confidence in the continuance of the present form of government, and consequently that *advances* to them might commit us with their successors. This cannot be spoken out. 2d. Since they propose to take the debt in produce, it would be better for us that it should be done in moderate

masses yearly, than all in one year. This cannot be professed. 3d. When M. de Calonne was Minister of Finance, a Dutch company proposed to buy up the whole of our debt, by dividing it into actions or shares. I think Mr. Claviere, now Minister of Finance, was their agent. It was observed to M. de Calonne, that to create such a mass of American paper, divide it into shares, and let them deluge the market, would depreciate the rest of our paper, and our credit in general; that the credit of a nation was a delicate and important thing, and should not be risked on such an operation. M. de Calonne, sensible of the injury of the operation to us, declined it. In May, 1791, there came, through Mr. Otto, a similar proposition from Schweirer, Jeanneret & Co. We had a communication on the subject from Mr. Short, urging this same reason strongly. It was referred to the Secretary of the Treasury, who, in a letter to yourself, assigned the reasons against it, and these were communicated to Mr. Otto, who acquiesced in them. This objection, then, having been sufficient to decline the proposition twice before, and having been urged to the two preceding forms of government (the ancient and that of 1791), will not be considered as founded in objections to the present form. 4th. The law allows the whole debt to be paid only on condition it can be done on terms *advantageous* to the United States. The minister foresees this objection, and thinks he answers it by observing the *advantage* which the payment in

produce will occasion. It would be easy to show that this was not the sort of advantage the Legislature meant, but a *lower rate of interest.* 5th. I cannot but suppose that the Secretary of the Treasury, being much more familiar than I am with the money operations of the Treasury, would, on examination, be able to derive practical objections from them. We pay to France but five per cent. The people of this country would never subscribe their money for less than six. If, to remedy this, obligations at less than five per cent. were offered, and accepted by Genet, he must part with them immediately, at a considerable discount, to indemnify the loss of the one per cent., and at still greater discount to bring them down to par with our present six per cent., so that the operation would be equally disgraceful to us and losing to them, etc., etc.

I think it very material myself to keep alive the friendly sentiments of that country, as far as can be done without risking war or double payment. If the instalments falling due this year can be advanced, without incurring those dangers, I should be for doing it. We now see by the declaration of the Prince of Saxe Cobourg, on the part of Austria and Prussia, that the ultimate point they desire is to restore the constitution of 1791. Were this even to be done before the pay days of this year, there is no doubt in my mind but that that government (as republican as the present, except in the form of its Executive) would confirm an advance so

moderate in sum and time. I am sure the *nation* of France would never suffer their government to go to war *with us* for such a *bagatelle*, and the more surely if that bagatelle shall have been granted by us so as to *please* and not to *displease* the nation; so as to keep their affections engaged on our side. So that I should have no fear in advancing the instalments of this year at epochs convenient to the Treasury. But at any rate should be for assigning reasons for not changing the form of the debt. These thoughts are very hastily thrown on paper, as will be but too evident.

I have the honor to be, with sentiments of sincere attachment and respect, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, June 9, 1793.

I have to acknowledge the receipt of your two favors of May 27th and 29th, since the date of my last which was of the 2d instant. In that of the 27th you say you must not make your final exit from public life till it will be marked with justifying circumstances which all good citizens will respect, and to which your friends can appeal. To my fellow-citizens the debt of service has been fully and faithfully paid. I acknowledge that such a debt exists, that a tour of duty, in whatever line he can be most useful to his country, is due from every

individual. It is not easy perhaps to say of what length exactly this tour should be, but we may safely say of what length it should not be. Not of our whole life, for instance, for that would be to be born a slave—not even of a very large portion of it. I have now been in the public service four and twenty years; one half of which has been spent in total occupation with their affairs, and absence from my own. I have served my tour then. No positive engagement, by word or deed, binds me to their further service. No commitment of their interests in any enterprise by me requires that I should see them through it. I am pledged by no act which gives any tribunal a call upon me before I withdraw. Even my enemies do not pretend this. I stand clear then of public right on all points—my friends I have not committed. No circumstances have attended my passage from office to office, which could lead them, and others through them, into deception as to the time I might remain, and particularly they and all have known with what reluctance I engaged and have continued in the present one, and of my uniform determination to return from it at an early day. If the public then has no claim on me, and my friends nothing to justify, the decision will rest on my own feelings alone. There has been a time when these were very different from what they are now; when perhaps the esteem of the world was of higher value in my eye than everything in it. But age, experience and reflection

preserving to that only its due value, have set a higher on tranquillity. The motion of my blood no longer keeps time with the tumult of the world. It leads me to seek for happiness in the lap and love of my family, in the society of my neighbors and my books, in the wholesome occupations of my farm and my affairs, in an interest or affection in every bud that opens, in every breath that blows around me, in an entire freedom of rest, of motion, of thought, owing account to myself alone of my hours and actions. What must be the principle of that calculation which should balance against these the circumstances of my present existence—worn down with labors from morning to night, and day to day; knowing them as fruitless to others as they are vexatious to myself, committed singly in desperate and eternal contest against a host who are systematically undermining the public liberty and prosperity, even the rare hours of relaxation sacrificed to the society of persons in the same intentions, of whose hatred I am conscious even in those moments of conviviality when the heart wishes most to open itself to the effusions of friendship and confidence, cut off from my family and friends, my affairs abandoned to chaos and derangement, in short, giving everything I love in exchange for everything I hate, and all this without a single gratification in possession or prospect, in present enjoyment or future wish. Indeed, my dear friend, duty being out of the question, inclination cuts off

all argument, and so never let there be more between you and me, on this subject.

I enclose you some papers which have passed on the subject of a new town. You will see by them that the paper Coryphæus is either undaunted or desperate. I believe that the statement enclosed has secured a decision against his proposition. I dined yesterday in a company where Morris and Bingham were, and happened to sit between them. In the course of a conversation after dinner, Morris made one of his warm declarations that after the expiration of his present senatorial term, nothing on earth should ever engage him to serve again in any public capacity. He did this with such solemnity as renders it impossible he should not be in earnest. The President is not well. Little lingering fevers have been hanging about him for a week or ten days, and affected his looks most remarkably. He is also extremely affected by the attacks made and kept up on him in the public papers. I think he feels those things more than any person I ever yet met with. I am sincerely sorry to see them. I remember an observation of yours, made when I first went to New York, that the satellites and sycophants which surrounded him had wound up the ceremonials of the government to a pitch of stateliness which nothing but his personal character could have supported, and which no character after him could ever maintain. It appears now that even his will be insufficient to justify them in the

appeal of the times to common sense as the arbiter of everything. Naked he would have been sanctimoniously reverenced; but enveloped in the rags of royalty, they can hardly be torn off without laceration. It is the more unfortunate that this attack is planted on popular ground, on the love of the people to France and its cause, which is universal. Genet mentions freely enough in conversation that France does not wish to involve us in the war by our guarantee. The information from St. Domingo and Martinique is, that those two islands are disposed and able to resist any attack which Great Britain can make on them by land. A blockade would be dangerous, could it be maintained in that climate for any length of time. I delivered to Genet your letter to Roland. As the latter is out of office, he will direct it to the Minister of the Interior. I found every syllable of it strictly proper. Your ploughs shall be duly attended to. Have you ever taken notice of Tull's horse-houghing plough? I am persuaded that where you wish your work to be very exact, and our great plough where a less degree will suffice, leave us nothing to wish for from other countries as to ploughs, under our circumstances. I have not yet received my threshing machine. I fear the late, long, and heavy rains must have extended to us, and affected our wheat. Adieu. Yours affectionately.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, June 13, 1793.

DEAR SIR,—The insulated state in which France is placed with respect to almost all the world, by the present war, has cut off all means of addressing letters to you through other countries. I embrace the present occasion by a private individual going to France directly, to mention, that since the date of my last public letter, which was April the 24th, and which covered the President's proclamation of April, I have received your Nos. 17 to 24. M. de Ternant notified us of his recall on the 17th of May, and delivered the letter of the Provisory Executive Council to that effect. I now enclose you the President's answer to the Council, which you will be pleased to deliver; a copy of it is also enclosed, open for your information. Mr. Genet delivered his credentials on the same day on which M. de Ternant took his leave, and was received by the President. He found himself immediately immersed in business, the consequence of this war. The incidents to which that gives daily rise, and the questions respecting chiefly France and England, fill the executive with business, equally delicate, difficult and disagreeable. The course intended to be pursued being that of a strict and impartial neutrality, decisions rendered by the President rigorously on that principle, dissatisfy both parties, and draw complaints from both. That you may have a

proper idea of them, I enclose you copies of several memorials and letters, which have passed between the executive and the ministers of those two countries, which will at the same time develop the principles of the proceedings, and enable you to satisfy them in your communications, should it be necessary. I enclose also the answer given to Mr. Genet, on a proposition from him to pay up the whole of the French debt at once. While it will enable you to explain the impracticability of the operation proposed, it may put it in your power to judge of the answer which would be given to any future proposition to that effect, and perhaps to prevent their being brought forward. The bill lately passed in England, prohibiting the business of this country with France from passing through the medium of England, is a temporary embarrassment to our commerce, from the unhappy predicament of its all hanging on the pivot of London. It will be happy for us, should it be continued till our merchants may establish connections in the countries in which our produce is consumed, and to which it should go directly.

Our commissioners have proceeded to the treaty with the north-western Indians. They write, however, that the treaty will be a month later than was expected. This delay, should it be extended, will endanger our losing the benefit of our preparations for the campaign, and consequently bring on a delicate question, whether these shall be relin-

quished for the result of a treaty in which we never had any confidence? The Creeks have proceeded in their depredations till they assume the appearance of formal war. It scarcely seems possible to avoid its becoming so. They are so strong and so far from us, as to make very serious addition to our Indian difficulties. It is very probable that some of the circumstances arising out of our affairs with the Indians, or with the belligerent powers of Europe, may occasion the convocation of Congress at an earlier day than that to which its meeting stands at present.

I send you the forms of the passports given here. The one in three columns is that now used; the other having been soon discontinued. It is determined that they shall be given in our own ports only, and to serve but for one voyage. It has also been determined, that they shall be given to all vessels *bona fide* owned by American citizens *wholly*, whether built here or not. Our property, whether in the form of vessels, cargoes, or anything else, has a right to pass the seas untouched by any nation, by the law of nations; and no one has a right to ask where a vessel was built, but where is she owned? To the security which the law of nations gives to such vessels against all nations, are added particular stipulations with three of the belligerent powers. Had it not been in our power to enlarge our national stock of shipping suddenly in the present exigency, a great proportion of our produce must have re-

mained on our hands for want of the means of transportation to market. At this time, indeed, a great proportion is in that predicament. The most rigorous measures will be taken to prevent any vessel, not wholly and *bona fide* owned by American citizens, from obtaining our passports. It is much our interest to prevent the competition of other nations from taking from us the benefits we have a right to expect from the neutrality of our flag; and I think we may be very sure that few if any, will be fraudulently obtained within our ports.

Though our spring has been cold and wet, yet the crops of small grain are as promising as they have ever been seen. The Hessian fly, however, to the north, and the weavil to the south of the Potomac, will probably abridge the quantity. Still it seems very doubtful whether we shall not lose more for want of the means of transportation, and I have no doubt that the ships of Sweden and Denmark would find full employment here.

We shall endeavor to get your newspapers under the care of Major Reid, the bearer of this letter.

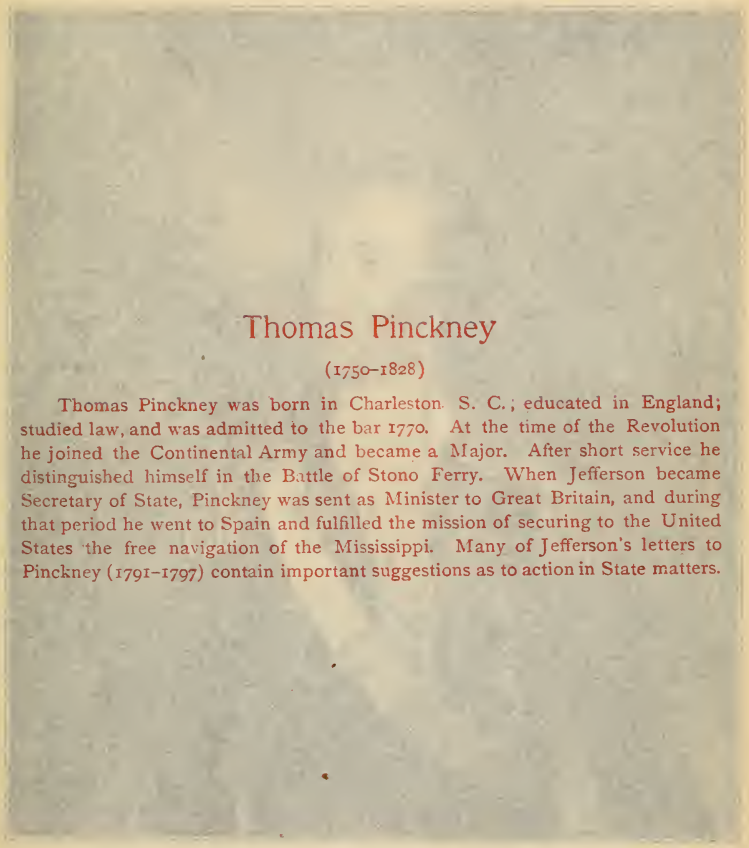
I have the honor to be, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, June 14, 1793.

My last letters to you have been of the 7th of May and 4th instant. Since the last date, yours of April the 15th has come to hand.

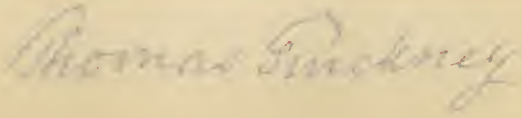
I enclose you several memorials and letters which have passed between the Executive and the ministers of France and England. These will develop to you the principles on which we are proceeding between the belligerent powers. The decisions being founded in what is conceived to be rigorous justice, give dissatisfaction to both parties, and produce complaints from both. It is our duty, however, to persevere in them, and to meet the consequences. You will observe that Mr. Hammond proposes to refer to his court the determination of the President, that the prizes taken by the Citoyen Genet, could not be given up. The reasons for this are explained in the papers. Mr. Genet had stated that she was manned by French citizens. Mr. Hammond had not stated the contrary before the decision. Neither produced any proofs. It was, therefore, supposed that she was manned, principally, with French citizens. After the decision, Mr. Hammond denies the fact, but without producing any proof. I am really unable to say how it was; but I believe it to be certain there were very few Americans. He says, the issuing the commission, etc., by Mr. Genet, within our territory, was an infringement of our



Thomas Pinckney

(1750–1828)

Thomas Pinckney was born in Charleston S. C.; educated in England; studied law, and was admitted to the bar 1770. At the time of the Revolution he joined the Continental Army and became a Major. After short service he distinguished himself in the Battle of Stono Ferry. When Jefferson became Secretary of State, Pinckney was sent as Minister to Great Britain, and during that period he went to Spain and fulfilled the mission of securing to the United States the free navigation of the Mississippi. Many of Jefferson's letters to Pinckney (1791–1797) contain important suggestions as to action in State matters.

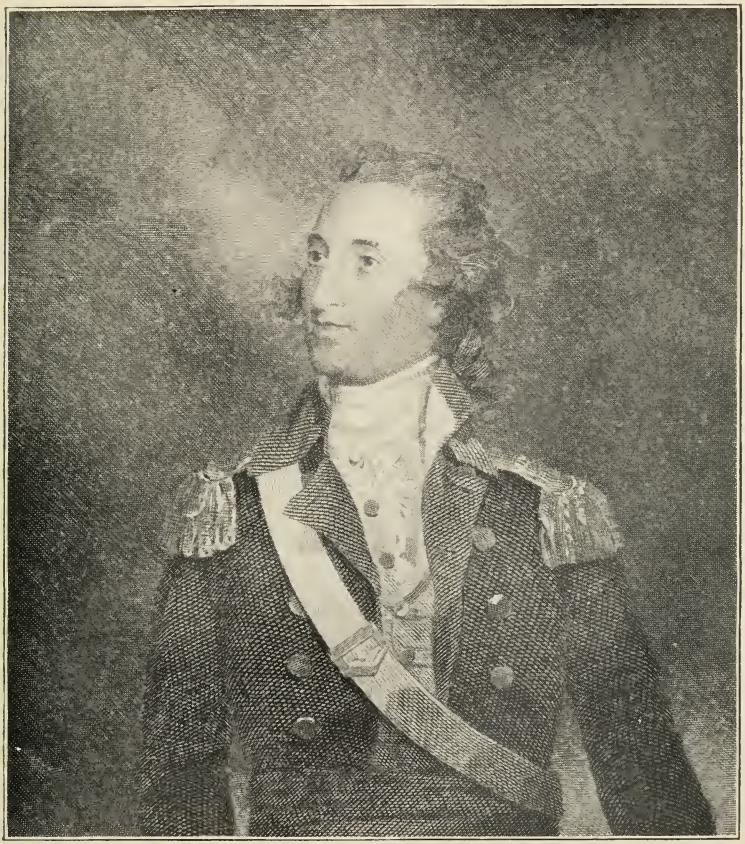


TO THOMAS PINCKNEY.

PHILADELPHIA, June 14, 1793.

My last letters to you have been of the 7th of May and 4th instant. Since the last date, yours of April the 13th has come to hand.

I enclose you several newspapers and letters which have passed between the Executive and the ministers of France and England. These will develope to you the principles on which we are proceeding between the belligerent powers. The decisions being founded in what is considered as the supreme justice, give dissatisfaction to both parties, and produce complaints from both. It is our duty, however, to



Thomas Pinckney

sovereignty; therefore, the proceeds of it should be given up to Great Britain. The infringement was a matter between France and us. Had we insisted on any penalty or forfeiture by way of satisfaction to our insulted rights, it would have belonged to us, not to a third party. As between Great Britain and us, considering all the circumstances explained in the papers, we deemed we did enough to satisfy her. We are, moreover, assured, that it is the standing usage of France, perhaps, too, of other nations in all wars, to lodge blank commissions with all their foreign consuls, to be given to every vessel of their nation, merchant or armed; without which a merchant vessel would be punished as a pirate, were she to take the smallest thing of the enemy that should fall in her way. Indeed, the place of the delivery of a commission is immaterial. As it may be sent by letter to any one, so it may be delivered by hand to him anywhere. The place of *signature by the Sovereign* is the material thing. Were that to be done in any other jurisdiction than his own, it might draw the validity of the act into question. I mention these things, because I think it would be proper, that after considering them and such other circumstances as appear in the papers, or may occur to yourself, you should make it the subject of a conversation with the minister. Perhaps it may give you an opportunity of touching on another subject. Whenever Mr. Hammond applies to our government on any matter whatever, be it ever so

new or difficult, if he does not receive his answer in two or three days or a week, we are goaded with new letters on the subject. Sometimes it is the sailing of the packet, which is made the pretext for forcing us into premature and undigested determinations. You know best how far your applications meet such early attentions, and whether you may with propriety claim a return of them; you can best judge, too, of the expediency of an intimation, that where despatch is not reciprocal, it may be expedient and justifiable that delay should be so.

Our Commissioners have set out for the place of treaty with the North Western Indians. They have learned on their arrival at Niagara that the treaty will be a month later than was expected. Should further procrastination take place, it may wear the appearance of being intended to make us lose the present campaign, for which all our preparations are made. We have had little expectations of any favorable result from the treaty; and whether for such a prospect we should give up a campaign, will be a disagreeable question. The Creeks have proceeded in their depredations and murder till they assume the appearance of unequivocal war. It scarcely seems possible to avoid its becoming so. It is very possible that our affairs with the Indians or with the belligerent powers of Europe, may occasion the convocation of Congress at an earlier day than that to which its meeting stands at present.

Though our spring has been cold and wet, yet the crops of small grain are as promising as could be desired. They will suffer, however, by the Hessian fly to the north and the weavil to the south of the Potomac.

My letter of the 4th instant was written to go by the packet, but hearing before its departure that Major Jackson was to go in a few days by a private vessel, it was committed to him, as is also the present letter.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR EDMOND C. GENET.[1]

PHILADELPHIA, June 17, 1793.

SIR,—I have received and laid before the President your letter of the 14th instant, stating that certain judiciary officers of the United States, contrary to the laws of nations, and the treaties subsisting between France and the United States, had arrested certain vessels and cargoes taken by a French armed vessel and brought into this port, and desiring that the authority of the President might be interposed to restore the prizes with the damages for their detention.

By the laws of this country every individual claiming a right to any article of property, may demand process from a court of justice, and decision

[1] The French Minister.

on the validity of his claim. This is understood to be the case, which is the subject of your letter. Individuals claiming a right to the prizes, have attached them by process from the Court of Admiralty, which that Court was not free to deny, because justice is to be denied to no man. If, at the hearing of the cause, it shall be found that it is not cognizable before that Court, you may so far rely on its learning and integrity as to be assured it will so pronounce itself. In like manner, if having jurisdiction of the causes, it shall find the rights of the claimants to be null, be assured it will pronounce that nullity, and in either case the property will be restored, but whether with damages or not, the Court alone is to decide. It happens in this particular case that the rule of decision will be not the municipal laws of the United States but the law of nations, and the law maritime, as admitted and practised in all civilized countries, that the same sentence will be pronounced here that would be pronounced in the Republic of France, or in any other country of Europe; and that if it should be unfavorable to the captors, it will be for reasons understood and acknowledged in your own country, and for the justice of which we might safely appeal to the jurists of your own country. I will add, that if the seizure should be found contrary to the treaties subsisting between France and the United States, the judges will consider these treaties as constituting a conventional law for the two nations, controlling all other laws, and will

decree accordingly. The functions of the Executive are not competent to the decision of questions of property between individuals. These are ascribed to the judiciary alone, and when either persons or property are taken into their custody, there is no power in this country that can take them out. You will, therefore, be sensible, Sir, that though the President is not the organ for doing what is just in the present case, it will be effectually done by those to whom the Constitution has ascribed the duty, and be assured that the interests, the rights and the dignity of the French nation will receive within the bosom of the United States all the support which a friendly nation could desire, and a natural one yield.

I have the honor to be, with sentiments of great respect and esteem, Sir, your most obedient, and most humble servant.

TO MONSIEUR EDMOND C. GENET.

PHILADELPHIA, June 17, 1793.

SIR,—I shall now have the honor of answering your letter of the 1st instant, and so much of that of the 14th (both of which have been laid before the President) as relates to a vessel armed in the port of New York and about to depart from thence, but stopped by order of the Government. And here I beg leave to premise, that the case supposed in your letter, of a vessel arming for her own defence, and to repel unjust aggressions, is not that in ques-

tion, nor that on which I mean to answer, because not having yet happened, as far as is known to the Government, I have no instructions on the subject. The case in question is that of a vessel armed, equipped, and manned in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived that such enterprises would be attempted, orders to prevent them were despatched to all the States and ports of the Union. In consequence of these, the Governor of New York, receiving information that a sloop heretofore called the Polly, now the Republican, was fitting out, arming, and manning in the port of New York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken her guns and ammunition aboard, and was on the point of departure, seized the vessel. That the Governor was not mistaken in the previous indications of her object, appears by the subsequent avowal of the citizen Hauterieve, consul of France at that port, who, in a letter to the Governor, reclaims her as "Un vaisseau armé en guerre, et pret à mettre à la voile;" and describes her object in these expressions: "Cet usage étrange de la force publique contre les citoyens d'une nation amie qui se réunissent ici *pour aller defendre leur frères*," etc.; and again: "Je requiers, monsieur, l'autorité dont vous êtes revêtu, pour faire rendre à des Francois, à des alliés, etc.,

la liberté *de voler au secours de leur patrie.*" This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprise, to the tribunals of the country, that if the act was of those forbidden by the law, it might be punished; if it was not forbidden, it might be so declared, and all persons apprized of what they might or might not do.

This, we have reason to believe, is the true state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which animadverted, not merely on the single fact of the granting commissions of war by one nation within the territory of another, but on the aggregate of the facts; for it states the opinion of the President to be, "that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom we are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace." And this opinion is still conceived to be not contrary to the principles of natural law, the usage of nations, the engagements which unite the two people, nor the proclamation of the President, as you seem to think.

Surely, not a syllable can be found in the last-mentioned instrument, permitting the preparation of hostilities in the ports of the United States. Its

object was to enjoin on our citizens "a friendly conduct towards all the belligerent powers;" but a preparation of hostilities is the reverse of this.

None of the engagements in our treaties stipulate this permission. The XVIIth article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely; but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, and manning her, is a different one, and not engaged by any article of the treaty.

You think, Sir, that this opinion is also contrary to the law of nature and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, L. 3. 8. 104. "Tant qu'un peuple neutre veut jouir surement de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre, il ne pourra pas se plaindre, quand celui ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe. Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

"Elle se rapporte uniquement à la guerre, et

comprend deux choses 1°. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes, ni armes, ni munitions, ni rien de ce qui sert directement à la guerre. Je dis *ne point donner de secours*, et non pas *en donner également;* car il seroit absurde qu'un état secourut en même temps deux ennemis. Et puis il seroit impossible de le faire avec égalité; les mêmes choses, le même nombre de troupes, la même quantitié d'armes, de munitions, etc., fournies en des circonstances differentes, ne forment plus des secours équivalents," etc. If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory by the law of nations. Wolf, S. 1174, says, "Puisque le droit de lever des soldats est un droit de majesté, qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territorie d'autrui, sans le consentement du maitre du territorie." And Vattel, before cited, L. 3. 8. 15. "Le droit de lever des soldats appartenant uniquement à la nation, ou au souverain, personne ne peut en envoler en pays étranger sans la permission du souveraine: Ceux qui entre prennant d'engager des soldats en pays étranger sans la permission du souverain, et en general quiquonque débauche les sujets d'autrui, viole un des droits les plus sacrés du prince et de la nation. C'est le crime qu'on appelle *plagiat*, ou vol d'homme. Il n'est aucun état police qui ne le

punisse tres sévérement," etc. For I choose to refer you to the passage, rather than follow it through all its developments. The testimony of these, and other writers, on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty, with justice and with great moderation. By our treaties with several of the belligerent powers, which are a part of the laws of our land, we have established a state of peace with them. But, without appealing to treaties, we are at peace with them all by the law of nature. For by nature's law, man is at peace with man till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy. For our citizens, then, to commit murders and depredations on the members of nations at peace with us, or combine to do it, appeared to the Executive, and to those with whom they consulted, as much against the laws of the land, as to murder or rob, or combine to murder or rob its own citizens; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only, this being an appropriate part of each nation on an element where all have a common jurisdiction. So say our laws, as we understand

them ourselves. To them the appeal is made; and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the Government of the United States must pursue what they think right with firmness, as is their duty. On the first attempt that was made, the President was desirous of involving in the censures of the law as few as might be. Such of the individuals only, therefore, as were citizens of the United States, were singled out for prosecution. But this second attempt being after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, they are to take their course against all persons concerned, whether citizens or aliens; the latter, while within our jurisdiction and enjoying the protection of the laws, being bound to obedience to them, and to avoid disturbances of our peace within, or acts which would commit it without, equally as citizens are. I have the honor to be, with sentiments of great respect and esteem, Sir, your most obedient, and most humble servant.

TO GEORGE HAMMOND.

PHILADELPHIA, June 19, 1793.

SIR,—I had the honor to address you a letter on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and im-

portant, and, therefore, rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interest we have in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, June 23, 1793.

DEAR SIR,—My last was of the 17th, if I may reckon a single line anything. Yours of the 13th came to hand yesterday, The proclamation as first proposed was to have been a declaration of neutrality. It was opposed on these grounds: 1. That a declaration of neutrality was a declaration there should be no war, to which the Executive was not competent. 2. That it would be better to hold back the declaration of neutrality, as a thing worth something to the powers at war, that they would bid for it, and we might reasonably ask a price, the *broadest privileges* of neutral nations. The first objection was so far respected as to avoid inserting the term *neutrality*, and the drawing the instrument was left to E. R. That there should be a proclama-

tion was passed unanimously with the approbation or the acquiescence of all parties. Indeed, it was not expedient to oppose it altogether, lest it should prejudice what was the next question, the boldest and greatest that ever was hazarded, and which would have called for extremities had it prevailed. Spain is unquestionably picking a quarrel with us. A series of letters from her commissioners here prove it. We are sending a courier to Madrid. The inevitableness of war with the Creeks, and the probability, I might say the certainty of it with Spain, (for there is not one of us who doubts it,) will certainly occasion your convocation, at what time I cannot exactly say, but you should be prepared for this important change in the state of things. The President has got pretty well again; he sets off this day to Mount Vernon, and will be absent a fortnight. The death of his manager, hourly expected, of a consumption is the call; he will consequently be absent on the 4th of July. He travels in a phaeton and pair. Doctor Logan sends you the enclosed pamphlet. Adieu. Yours affectionately.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, June 28, 1793.

DEAR SIR,—I should have taken time ere this to have considered the observations of Mr. Young, could I at this place have done it in such a way as would satisfy either him or myself. When I wrote

the notes of the last year, I had never before thought of calculating what were the profits of a capital invested in Virginia agriculture. Yet that appeared to be what Mr. Young most desired. Lest, therefore, no other of those, whom you consulted for him, should attempt such a calculation, I did it; but being at such a distance from the country of which I wrote, and having been absent from that and from the subject in consideration many years, I could only, for my facts, recur to my own recollection, weakened by time and very different applications, and I had no means here of correcting my facts. I, therefore, hazarded the calculation rather as an essay of the mode of calculating the profits of a Virginia estate, than as an operation which was to be ultimately relied on. When I went last to Virginia I put the press-copy of those notes into the hands of the most skilful and successful farmer in the part of the country of which I wrote. He omitted to return them to me, which adds another impediment to my resuming the subject here; but, indeed, if I had them, I could only present the same facts, with some corrections and some justifications of the principles of calculation. This would not and ought not to satisfy Mr. Young. When I return home I shall have time and opportunity of answering Mr. Young's enquiries fully. I will first establish the facts as adapted to the present times, and not to those to which I was obliged to recur by recollection, and I will make the calculation on

rigorous principles. The delay necessary for this will I hope be compensated by giving something which no endeavors on my part shall be wanting to make it worthy of confidence. In the meantime Mr. Young must not pronounce too hastily on the impossibility of an annual production of £750 worth of wheat coupled with a cattle product of £125. My object was to state the produce of a *good* farm, under *good* husbandry as practised in my part of the country. Manure does not enter into this, because we can buy an acre of new land cheaper than we can manure an old acre. Good husbandry with us consists in abandoning Indian corn and tobacco, tending small grain, some red clover following, and endeavoring to have, while the lands are at rest, a spontaneous cover of white clover. I do not present this as a culture judicious in itself, but as *good* in comparison with what most people there pursue. Mr. Young has never had an opportunity of seeing how slowly the fertility of the *original soil* is exhausted. With moderate management of it, I can affirm that the James river lowgrounds with the cultivation of small grain, will never be exhausted; because we know that under that cultivation we must now and then take them down with Indian corn, or they become, as they were originally, too rich to bring wheat. The highlands, where I live, have been cultivated about sixty years. The culture was tobacco and Indian corn as long as they would bring enough to pay the labor. Then they were

turned out. After four or five years rest they would bring good corn again, and in double that time perhaps good tobacco. Then they would be exhausted by a second series of tobacco and corn. Latterly we have begun to cultivate small grain; and excluding Indian corn, and following, such of them as were originally good, soon rise up to fifteen or twenty bushels the acre. We allow that every laborer will manage ten acres of wheat, except at harvest. I have no doubt but the coupling cattle and sheep with this would prodigiously improve the produce. This improvement Mr. Young will be better able to calculate than anybody else. I am so well satisfied of it myself, that having engaged a good farmer from the head of Elk, (the style of farming there you know well,) I mean in a farm of about 500 acres of cleared land and with a dozen laborers to try the plan of wheat, rye, potatoes, clover, with a mixture of some Indian corn with the potatoes, and to push the number of sheep. This last hint I have taken from Mr. Young's letters which you have been so kind as to communicate to me. I have never before considered with due attention the profit from that animal. I shall not be able to put the farm into that form exactly the ensuing autumn, but against another I hope I shall, and I shall attend with precision to the measures of the ground and of the product, which may perhaps give you something hereafter to communicate to Mr. Young which may gratify him, but I will furnish

the ensuing winter what was desired in Mr. Young's letter of Jan. 17, 1793. I have the honor to be, with great and sincere esteem, dear Sir, your most obedient humble servant.

TO DR. GEORGE GILMER.

PHILADELPHIA, June 28, 1793.

DEAR DOCTOR,— * * * * Dumourier was known to be a scoundrel in grain. I mentioned this from the beginning of his being placed at the head of the armies; but his victories at length silenced me. His apostasy has now proved that an unprincipled man, let his other fitnesses be what they will, ought never to be employed. It has proved, too, that the French army, as well as nation, cannot be shaken in their republicanism. Dumourier's popularity put it to as severe a proof as could be offered. Their steadiness to their principles insures the issue of their revolution against every effort but by the way of famine. Should that take place the effect would be incalculable; because our machine, unsupported by food, is no longer under the control of reason. This crisis, however, is now nearly over, as their harvest is by this time beginning. As far as the last accounts come down, they were retiring to within their own limits; where their assignats would do for money, (except at Mentz). England too is issuing her paper, not founded like the assignats, on land, but on pawns

of thread, ribbons, etc. They will soon learn the science of depreciation, and their whole paper system vanish into nothing, on which it is bottomed. My affectionate respects to Mrs. Gilmer, and am, dear Doctor, yours, sincerely.

TO COLONEL MONROE.

PHILADELPHIA, June 28, 1793.

DEAR SIR,—I have to acknowledge your favor of May 28. I believe that through all America there has been but a single sentiment on the subject of peace and war, which was in favor of the former. The Executive here has cherished it with equal and unanimous desire. We have differed perhaps as to the conduct exactly adapted to the securing it. We have as yet no indirections of the intentions or even the wishes of the British government. I rather believe they mean to hold themselves up, and be led by events. In the meanwhile Spain is so evidently *picking a quarrel* with us, that we see a war absolutely inevitable with her. We are making a last effort to avoid it, but our cabinet is without any decision in their expectations of the result. This may not be known before the last of October, earlier than which I think you will meet. You should, therefore, calculate your domestic measures on this change of position. If France collected within her own limits shall maintain her ground there steadily, as I think she will, (barring the effect

of famine which no one can calculate,) and if the bankruptcies of England proceed to the length of an universal crush of their paper, which I also think they will, she will leave Spain the bag to hold; she is emitting assignats also, that is to say exchequer bills, to the amount of five millions English, or one hundred and twenty-five millions French; and these are not founded on land as the French assignats are, but on pins, thread, buckles, hops, and whatever else you will pawn in the exchequer of double the estimated value. But we all know that five millions of such stuff forced for sale on the market of London, where there will be neither cash nor credit, will not pay storage. This paper must rest then ultimately on the credit of the nation as the rest of their public paper does, and will sink with that. If either this takes place, or the confederacy is unsuccessful, we may be clear of war with England. With respect to the increase of our shipping, our merchants have no need, you know, of a permission to buy up foreign bottoms. There is no law prohibiting it, and when bought they are American property, and as such entitled to pass freely by our treaties with some nations, and by the law of nations with all. Such accordingly, by a determination of the Executive, will receive American passports. They will not be entitled, indeed, to import goods on the low duties of *home-built* vessels, the laws having confined that privilege to these only. We have taken every possible method to guard against fraudulent con-

veyances, which, if we can augment our shipping to the extent of our own carriage, it would not be our interest to cover. I enclose you a note from Freneau, explaining the interruption of your papers. I do not augur well of the mode of conduct of the new French minister; I fear he will enlarge the evils of those disaffected to his country. I am doing everything in my power to moderate the impetuosity of his movements, and to destroy the dangerous opinion which has been excited in him, that the people of the United States will disavow the acts of their government, and that he has an appeal from the Executive to Congress, and from both to the people. Affairs with the Creeks seem to present war there as inevitable, but that will await for you. We have no news from the northern commissioners, but of the delay likely to be attempted by the Indians; but as we never expected peace from the negotiation, I think no delay will be admitted which may defeat our preparations for a campaign. Crops here are likely to be good, though the beginning of the harvest has been a little wet. I forgot whether I informed you that I had chosen a house for you, and was determined in the choice by the southern aspect of the back buildings, the only circumstance of difference between the two presented to my choice. Give my best love to Mrs. Monroe, and be assured of the affectionate esteem of, dear Sir, your friend and servant.

TO JAMES MADISON.

PHILADELPHIA, June 29, 1793.

SIR,—I wrote you on the 23d, and yesterday I received yours of the 17th, which was the more welcome as it acknowledged mine of the 9th, about the safety of which I was anxious. I now risk some other papers, the sequel of those conveyed in that. The result I know not. We are sending a courier to Madrid to make a last effort for the preservation of honorable peace. The affairs of France are recovering their solidity, and from the steadiness of the people on the defection of so popular and capital a commander as Dumourier, we have a proof that nothing can shake this republicanism. Hunger is to be expected; but the silence of the late papers on that head, and the near approach of harvest, makes us hope they will weather that rock. I do not find that there has been serious insurrection but in Brittany, and where the noblesse having been as numerous as the people, and, indeed, being almost the people, the counter-revolutionary spirit has been known always to have existed since the night in which titles were suppressed. The English are trying to stop the torrent of bankruptcies by an emission of five millions of exchequer bills, loaned on the pawn-broking plan, consequently much inferior to the assignats in value. But that paper will sink to an immediate level with their other public paper, and consequently can only complete

the ruin of those who take it from government at par, and on a pledge of pins, buckles, etc., of little value, which will not sell so as to pay storage in a country where there is no specie, and we may say no paper of confidence. Every letter which comes expresses a firm belief that the whole paper system will now vanish into that nothing on which it is bottomed. For even the public faith is nothing as the mass of paper bottomed on it is known to be beyond its possible redemption. I hope this will be a wholesome lesson to our future Legislature. The war between France and England has brought forward the Republicans and Monocrats in every State, so that their relative numbers are perfectably visible.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, June 30, 1793.

GENTLEMEN,—I have received from Messrs. Viar and Jaudenes, the representatives of Spain at this place, a letter, which, whether considered in itself, or as the sequel of several others, conveys to us very disagreeable prospects of the temper and views of their court towards us. If this letter is a faithful expression of that temper, we presume it to be the effect of egregious misrepresentations by their agents in America. Revising our own dispositions and proceedings towards that power, we can find in them nothing but those of peace and friendship for them; and conscious that this will be appar-

ent from a true statement of facts, I shall proceed to give you such a one, to be communicated to the court of Madrid. If they find it very different from that conveyed to them by others, they may think it prudent to doubt, and to take and to give time for mutual inquiry and explanation. I shall proceed to give you this statement, beginning it from an early period.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly strongly pressed it on them, urging that it was a family quarrel with which they had nothing to do, and in which we wished them to take no part; and we strengthened these recommendations by doing them every act of friendship and good neighborhood, which circumstances left in our power. With some, these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women and children, indiscriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by the expeditions of considerable magnitude which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England,

we had it also to conclude with them. They had made war on us without the least provocation or pretence of injury. They had added greatly to the cost of that war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former government were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled; and notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money which have been regularly paid, and were equal to the prices for which they have usually sold their lands.

Sensible, as they were, of the wrong they had done, they expected to make some indemnification, and were, for the most part, satisfied with the mode

and measure of it. In one or two instances, where a dissatisfaction was observed to remain as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be susceptible of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of lands on their part, and by persons not duly representing their nation. They were, therefore, desired to appoint a proper deputation to revise their treaty; and that there might be no danger of any unfair practices, they were invited to come to the seat of the General Government, and to treat with that directly. They accordingly came. A considerable proportion of what had been ceded, was, on the revision, yielded back to them, and nothing required in lieu of it; and though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation, too, would have been satisfied, for they were conscious of their aggression, and of the moderation of the indemnity with which we had been contented. But at that time came among them an adventurer of the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign interference, which should undo what had been done, and force us to consider the naked grant of their peace as a sufficient satisfaction for their having

made war on us. Of this adventurer the Spanish government rid us; but not of his principles, his practices, and his excitements against us. These were more than continued by the officers commanding at New Orleans and Pensacola, and by agents employed by them, and bearing their commission. Their proceedings have been the subject of former letters to you, and proofs of these proceedings have been sent to you. Those, with others now sent, establish the facts, that they called assemblies of the southern Indians, openly persuaded them to disavow their treaties, and the limits therein established, promised to support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities for the avowed purpose of committing hostilities on us, and promised them future supplies to their utmost need. The Chickasaws, the most steady and faithful friends of these States, have remained unshaken by these practices. So also have the Chocktaws, for the most part. The Cherokees have been teased into some expressions of discontent, delivered only to the Spanish Governors, or their agents; while to us they have continued to speak the language of peace and friendship. One part of the nation only, settled at Cuckamogga and mixed with banditti and outcasts from the Shawanese and other tribes, acknowledging control from none, and never in a state of peace, have readily engaged in the hostilities against us to

which they were encouraged. But what was much more important, great numbers of the Creeks, chiefly their young men, have yielded to these incitements, and have now, for more than a twelvemonth, been committing murders and desolations on our frontiers. Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, insomuch that few instances of retaliation have occurred even from our suffering citizens; we have multiplied our gratifications to them, fed them when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried into their country and distributed among them, gratuitously, ten thousand bushels of corn; and that, too, at the same time, when their young men were daily committing murders on helpless women and children on our frontiers. And though these depredations now involve more considerable parts of the nation, we are still demanding punishment of the guilty individuals, and shall be contented with it. These acts of neighborly kindness and support on our part have not been confined to the Creeks, though extended to them in much the greatest degree. Like wants among the Chickasaws had induced us to send to them also, at first,

five hundred bushels of corn, and afterwards, fifteen hundred more. Our language to all the tribes of Indians has constantly been, to live in peace with one another, and in a most especial manner, we have used our endeavors with those in the neighborhood of the Spanish colonies, to be peaceable towards those colonies. I sent you on a former occasion the copy of a letter from the Secretary of War to Mr. Seagrove, one of our agents with the Indians in that quarter, merely to convey to you the general tenor of the conduct marked out for those agents; and I desired you, in placing before the eyes of the Spanish ministry the very contrary conduct observed by their agents here, to invite them to a reciprocity of good offices with our Indian neighbors, each for the other, and to make our common peace the common object of both nations. I can protest that such have hitherto been the candid and zealous endeavors of this government, and that if its agents have in any instance acted in another way, it has been equally unknown and unauthorized by us, and that were even probable proofs of it produced, there would be no hesitation to mark them with the disapprobation of the government. We expected the same friendly condescension from the court of Spain, in furnishing you with proofs of the practices of the Governor de Carondelet in particular practices avowed by him, and attempted to be justified in his letter.

In this state of things, in such dispositions towards

Spain and towards the Indians, in such a course of proceedings with respect to them, and while negotiations were instituted at Madrid for arranging these and all other matters which might affect our friendship and good understanding, we received from Messrs. de Viar and Jaudenes their letter of May the 25th, which was the subject of mine of May the 31st to you; and now again we have received that of the 18th instant, a copy of which is enclosed. This letter charges us, and in the most disrespectful style, with

1. Exciting the Chickasaws to war on the Creeks.

2. Furnishing them with provisions and arms.

3. Aiming at the occupation of a post at the Ecores amargas.

4. Giving medals and marks of distinction to several Indians.

5. Meddling with the affairs of such as are allies of Spain.

6. Not using efficacious means to prevent these proceedings.

I shall make short observations on these charges.

1. Were the first true, it would not be unjustifiable. The Creeks have now a second time commenced against us a wanton and unprovoked war, and the present one in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding then, for us to engage allies, if we needed any, for their punishment. But

we neither need, nor have sought them. The fact itself is utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people by a party of Creeks, and produced so instantaneously as to give nobody time to interfere, either to promote or prevent a rupture. We had, on the contrary, most particularly exhorted that nation to preserve peace, because in truth we have a most particular friendship for them. This will be evident from a copy of the message of the President to them, among the papers now enclosed.

2. The gift of provisions was but an act of that friendship to them, when in the same distress, which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and, we suppose, not out of their own pockets, and this for purposes of avowed hostility on us; and they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain, but to defend themselves from the atrocities of a vastly more numerous and powerful people, and one which, by a series of unprovoked and even unrepelled attacks on us, is obliging us to look towards war as the only means left of curbing their insolence.

3. We are aiming, as is pretended, at an establishment on the Mississippi, at the Ecores amargas. Considering the measures of this nature with which Spain is going on, having, since the proposition to treat with us on the subject, established posts at the Walnut hills and other places for two hundred miles upwards, it would not have been wonderful if we had taken countervailing measures. But the truth is, we have not done it. We wished to give a fair chance to the negotiation going on, and thought it but common candor to leave things in *statu quo*, to make no innovation pending the negotiation. In this spirit we forbid, and deterred even by military force, a large association of our citizens, under the name of the Yazoo companies, which had formed to settle themselves at those very Walnut hills, which Spain has since occupied. And so far are we from meditating the particular establishment so boldly charged in this letter, that we know not what place is meant by the Ecores amargas. This charge then is false also.

4. Giving medals and marks of distinction to the Indian chiefs. This is but blindly hinted at in this letter, but was more pointedly complained of in the former. This has been an ancient custom from time immemorial. The medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good will towards us, and not designed to produce a contrary disposition towards

others. They confer no power, and seem to have taken their origin in the European practice, of giving medals or other marks of friendship to the negotiators of treaties and other diplomatic characters, or visitors of distinction. The British government, while it prevailed here, practised the giving medals, gorgets, and bracelets to the savages, invariably. We have continued it, and we did imagine, without pretending to know, that Spain also did it.

5. We meddle with the affairs of Indians in alliance with Spain. We are perfectly at a loss to know what this means. The Indians on our frontier have treaties both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and exhortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain, too, has made them presents, traded with them, kept agents among them, though their country is within the limits established as ours at the general peace. However, Spain has chosen to have it understood that she has some claim to some parts of that country, and that it must be one of the subjects of our present negotiations. Out of respect for her then, we have considered her pretensions to the country, though it was impossible to believe them serious, as coloring pretensions to a concern with those Indians on the same ground with our own, and we were willing to let them go on till a treaty should set things to right between us.

6. Another article of complaint is, that we have not used efficacious means to suppress these practices. But if the charge is false, or the practice justifiable, no suppression is necessary.

And lastly, these gentlemen say that on a view of these proceedings of the United States with respect to Spain and the Indians, their allies, they foresee that our peace with Spain is very problematical in future. The principal object of the letter being *our* supposed excitements of the Chickasaws against the Creeks, and *their* protection of the latter, are we to understand from this, that if we arm to repulse the attacks of the Creeks on ourselves, it will disturb our peace with Spain? That if we will not fold our arms and let them butcher us without resistance, Spain will consider it as a cause of war? This is, indeed, so serious an intimation, that the President has thought it could no longer be treated with subordinate characters, but that his sentiments should be conveyed to the government of Spain itself, through you.

We love and we value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free, in the example and indulgence of peace with all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made

to it great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition and good understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications, and therefore, we have removed the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up. We shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it; we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier, to the last moment, to repair with her to the tribunal of peace and reason.

The President charges you to communicate the contents of this letter to the court of Madrid, with all the temperance and delicacy which the dignity and character of that court render proper; but with all the firmness and self-respect which befit a

nation conscious of its rectitude, and settled in its purpose.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO COLONEL JAMES MONROE.

PHILADELPHIA, July 14, 1793.

DEAR SIR,—Your favor of June 27th, has been duly received. You have most perfectly seized the *original* idea of the proclamation. When first proposed as a declaration of neutrality, it was opposed, first, because the Executive had no power to declare neutrality. Second, as such a declaration would be premature, and would lose us the benefit for which it might be bartered. It was urged that there was a strong impression in the minds of many that they were free to join in the hostilities on the side of France, others were unapprised of the danger they would be exposed to in carrying contraband goods, etc. It was therefore agreed that a proclamation should issue, declaring that we were in a state of peace, admonishing the people to do nothing contravening it, and putting them on their guard as to contraband. On this ground it was accepted or acquiesced in by all, and E. R., who drew it, brought it to me, the draught, to let me see there was no such word as *neutrality* in it. Circumstances forbid other verbal criticisms. The public, how-

ever, soon took it up as a declaration of neutrality, and it came to be considered at length as such. The arming privateers in Charleston, with our means entirely, and partly our citizens, was complained of in a memorial from Mr. Hammond. In our consultation, it was agreed we were by treaty *bound* to prohibit the enemies of France from arming in our ports, and were free to prohibit France also, and that by the laws of neutrality we are bound to permit or forbid the same things to both, as far as our treaties would permit. All, therefore, were forbidden to arm within our ports, and the vessels armed before the prohibition were on the advice of a majority ordered to leave our ports. With respect to our citizens who had joined in hostilities against a nation with whom we are at peace, the subject was thus viewed. Treaties are law. By the treaty with England we are in a state of peace with her. He who breaks that peace, if within our jurisdiction, breaks the laws, and is punishable by them. And if he is punishable he ought to be punished, because no citizen should be free to commit his country to war. Some vessels were taken within our bays. There, foreigners as well as natives are liable to punishment. Some were committed in the high seas. There, as the sea is a common jurisdiction to all nations, and divided *by persons*, each having a right to the jurisdiction over their own citizens only, our citizens only were punishable by us. But they were so, because within our jurisdiction. Had they

gone into a *foreign land* and committed a hostility, they would have been clearly out of our jurisdiction and unpunishable by the existing laws. As the armament in Charleston had taken place before our citizens might have reflected on the case, only two were prosecuted, merely to satisfy the complaint made, and to serve as a warning to others. But others having attempted to arm another vessel in New York after this was known, all the persons concerned in the latter case, foreign as well as native, were directed to be prosecuted. The Attorney General gave an official opinion that the act was against law, and coincided with all our private opinions; and the lawyers of this State, New York and Maryland, who were applied to, were unanimously of the same opinion. Lately Mr. Rawle, Attorney of the United States in this district, on a conference with the District Judge, Peters, supposed the law more doubtful. New acts, therefore, of the same kind, are left unprosecuted till the question is determined by the proper court, which will be during the present week. If they declare the act no offence against the laws, the Executive will have acquitted itself towards the nation attacked by their citizens, by having submitted them to the sentence of the laws of their country, and towards those laws by an appeal to them in a case which interested the country, and which was at least doubtful. I confess I think myself that the case is punishable, and that, if found otherwise, Congress ought to make it so,

or we shall be made parties in every maritime war in which the piratical spirit of the banditti in our ports can engage. I will write you what the judicial determination is. Our prospects with Spain appear to me, from circumstances taking place on this side the Atlantic, absolutely desperate. Measures are taken to know if they are equally so on the other side, and before the close of the year that question will be closed, and your next meeting must probably prepare for the new order of things. I fear the disgust of France is inevitable. We shall be to blame in past. But the new minister much more so. His conduct is indefensible by the most furious Jacobin. I only wish our countrymen may distinguish between him and his nation, and if the case should ever be laid before them, may not suffer their affection to the nation to be diminished. H., sensible of the advantage they have got, is urging a full appeal by the Government to the people. Such an explosion would manifestly endanger a dissolution of the friendship between the two nations, and ought therefore to be deprecated by every friend to our liberty; and none but an enemy to it would wish to avail himself of the indiscretions of an individual to compromit two nations esteeming each other ardently. It will prove that the agents of the two people are either great bunglers or great rascals, when they cannot preserve that peace which is the universal wish of both. The situation of the St. Domingo fugitives (aristocrats as they are) calls

aloud for pity and charity. Never was so deep a tragedy presented to the feelings of man. I deny the power of the General Government to apply money to such a purpose, but I deny it with a bleeding heart. It belongs to the State governments. Pray urge ours to be liberal. The Executive should hazard themselves here on such an occasion, and the Legislature when it meets ought to approve and extend it. It will have a great effect in doing away the impression of other disobligations towards France. I become daily more convinced that all the West India islands will remain in the hands of the people of color, and a total expulsion of the whites sooner or later take place. It is high time we should pursue the bloody scenes which our children certainly, and possibly ourselves, (south of Potomac,) have to wade through, and try to avert them. We have no news from the continent of Europe later than the 1st of May. My love to Mrs. Monroe. Tell her they are paving the street before your new house. Adieu. Yours affectionately.

TO MESSRS. DE VIAR AND JAUDENES.

PHILADELPHIA, July 14, 1793.

GENTLEMEN,—I have laid before the President your letters of the 11th and 13th instant. Your residence in the United States has given you an opportunity of becoming acquainted with the extreme freedom of the press in these States. Consid-

ering its great importance to the public liberty, and the difficulty of subjecting it to very precise rules, the laws have thought it less mischievous to give greater scope to its freedom, than to the restraint of it. The President has therefore no authority to prevent publications of the nature of those you complain of in your favor of the 11th. I can only assure you that the government of the United States has no part in them, and that all its expressions of respect towards his Catholic Majesty, public and private, have been as uniform as their desire to cultivate his friendship has been sincere.

With respect to the letters I have had the honor of receiving from you for some time past, it must be candidly acknowledged that their complaints were thought remarkable, as to the matters they brought forward as well as the manner of expressing them. A succession of complaints, some founded on small things taken up as great ones, some on suggestions contrary to our knowledge of things, yet treated as if true on very inconclusive evidence, and presented to view as rendering our peace very problematical, indicated a determination to find cause for breaking the peace. The President thought it was high time to come to an eclaircissment with your government directly, and has taken the measure of sending a courier to Madrid for this purpose. This of course transfers all explanation of the past to another place. But the President is well pleased to hope from your letters of the 11th and 13th, that all perhaps had

not been meant which had been understood from your former correspondence, and will be still more pleased to find these and all other difficulties between the two countries settled in such a way as to insure their future friendship.

I beg you to accept assurances of my particular esteem, and of the real respect with which I have the honor to be, Gentlemen, your most obedient, and most humble servant.

TO THE CHIEF JUSTICE AND JUDGES OF THE SUPREME COURT OF THE UNITED STATES.

PHILADELPHIA, July 18, 1793.

GENTLEMEN,—The war which has taken place among the powers of Europe, produces frequent transactions within our ports and limits, on which questions arise of considerable difficulty, and of greater importance to the peace of the United States. These questions depend for their solution on the construction of our treaties, on the laws of nature and nations, and on the laws of the land; and are often presented under circumstances which do not give a cognizance of them to the tribunals of the country. Yet their decision is so little analogous to the ordinary functions of the executive, as to occasion much embarrassment and difficulty to them. The President would, therefore, be much relieved, if he found himself free to refer questions of this description to the opinions of the judges of the

Supreme Court of the United States, whose knowledge of the subject would secure us against errors dangerous to the peace of the United States, and their authority insure the respect of all parties. He has therefore asked the attendance of such judges as could be collected in time for the occasion, to know, in the first place, their opinion, whether the public may with propriety be availed of their advice on these questions? And if they may, to present, for their advice, the abstract questions which have already occurred, or may soon occur, from which they will themselves strike out such as any circumstances might, in their opinion, forbid them to pronounce on.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient humble servant.

TO JAMES MADISON.

PHILADELPHIA, July 21, 1793.

I wrote you on the 14th, since which I have no letter from you. It appears that two considerable engagements took place between France and the combined armies on the 1st and 8th of May. In the former, the French have had rather the worst of it, as may be concluded by their loss of cannon and loss of ground. In the latter, they have had rather the best, as is proved by their remaining on the ground, and their throwing relief into Conde, which had

been the object of both battles. The French attacked in both. They have sent commissioners to England to sound for peace. General Felix Wimpfen is one. There is a strong belief that the bankruptcies and demolitions of manufacturers through the three kingdoms, will induce the English to accede to peace. E. R. is returned. The affair of the loan has been kept suspended, and is now submitted to him. He brings very flattering information of the loyalty of the people of Virginia to the General Government, and thinks the whole indisposition there is directed against the Secretary of the Treasury *personally*, not against his measures. On the whole he has quieted uneasiness here. I have never been able to get a sight of Billy till yesterday. He has promised to bring me the bill of your ploughs, which shall be paid. Adieu. Yours affectionately.

TO EDMOND C. GENET.

PHILADELPHIA, July 24, 1793.

SIR,—Your favor of the 9th instant, covering the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Savarence, Gaston de Nogere and G. Blustier, that being on their passage from the French West Indies to the United States, on board merchant vessels of the United States, with slaves and merchandise, of their property, these vessels were stopped by British armed vessels and their property taken out as lawful prize, has been received.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port and detained, under pretence of having enemy goods aboard, have in many instances introduced by their special treaties another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss. But this is altogether the effect of particular treaty, controlling in special cases the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having, in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands and Russia; and therefore, as to them,

our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. Accordingly, you will be pleased to recollect, that in the late case of Holland and Mackie, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate l'Ambuscade and brought into this port, when I reclaimed the cargo it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed in this case by some days, and finding that to be the truth, though their real ignorance of the declaration was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor apparently in yours to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal and Austria, we have no treaties; therefore, we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize though found in the bottom of a friend. Nor do I see that France can suffer on the whole; for though she loses her goods in our vessels when found therein by England, Spain, Portugal, or Austria, yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands,

or Prussia; and I believe I may safely affirm that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels; and consequently, that France is the gainer, and we the loser by the principle of our treaty. Indeed, we are the losers in every direction of that principle; for when it works in our favor, it is to save the goods of our friends, when it works against us, it is to lose our own; and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in a condition neither to gain nor lose, but shall be less exposed to vexatious searches at sea. To this condition we are endeavoring to advance; but as it depends on the will of other nations as well as our own, we can only obtain it when they shall be ready to concur.

I cannot, therefore, but flatter myself, that on revising the cases of Ducamp and others, you will perceive that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels; and consequently, from circumstances over which we have no control.

The rudeness to their persons, practised by their enemies, is certainly not favorable to the character of the latter. We feel for it as much as for the extension of it to our own citizens, their companions, and find in it a motive the more for requiring measures to be taken which may prevent repetitions of it.

I have the honor to be, with great respect, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, July 31, 1793.

DEAR SIR,—When you did me the honor of appointing me to the office I now hold, I engaged in it without a view of continuing any length of time, and I pretty early concluded on the close of the first four years of our Republic as a proper period for withdrawing; which I had the honor of communicating to you. When the period, however, arrived, circumstances had arisen, which, in the opinion of some of my friends, rendered it proper to postpone my purpose for awhile. These circumstances have now ceased in such a degree as to leave me free to think again of a day on which I may withdraw without its exciting disadvantageous opinions or conjectures of any kind. The close of the present quarter seems to be a convenient period, because the quarterly accounts of the domestic department are then settled of course, and by that time, also, I may hope to receive from abroad the materials for bringing up the foreign account to the end of its third year. At the close, therefore, of the ensuing month of September, I shall beg leave to retire to scenes of greater tranquillity, from those which I am every day more and more convinced that neither my talents, tone of mind, nor time of life fit me. I have thought it my duty to mention the matter thus early, that there may be time for the arrival of a successor, from any part

of the Union from which you may think proper to call one. That you may find one more able to lighten the burthen of your labors, I most sincerely wish; for no man living more sincerely wishes that your administration could be rendered as pleasant to yourself, as it is useful and necessary to our country, nor feels for you a more rational or cordial attachment and respect than, dear Sir, your most obedient, and most humble servant.

TO MR. EDMOND C. GENET.

PHILADELPHIA, August 7, 1793.

SIR,—In a letter of June the 5th, I had the honor to inform you that the President, after reconsidering, at your request, the case of vessels armed within our ports to commit hostilities on nations at peace with the United States, had finally determined that it could not be admitted, and desired that all those which had been so armed should depart from our ports. It being understood afterwards, that these vessels either still remained in our ports, or had only left them to cruise on our coasts and return again with their prizes, and that another vessel, the Little Democrat, had been since armed at Philadelphia, it was desired, in my letter of the 12th of July, that such vessels, with their prizes, should be detained, till a determination should be had of what was to be done under these circumstances. In disregard,

however, of this desire, the Little Democrat went out immediately on a cruise.

I have it now in charge to inform you, that the President considers the United States as bound, pursuant to positive assurances given in conformity to the laws of neutrality, to effectuate the restoration of or to make compensation for prizes, which shall have been made of any of the parties at war with France, subsequent to the fifth day of June last, by privateers fitted out of our ports.

That it is consequently expected, that you will cause restitution to be made of all prizes taken and brought into our ports subsequent to the above-mentioned day by such privateers, in defect of which, the President considers it as incumbent upon the United States to indemnify the owners of those prizes; the indemnification to be reimbursed by the French nation.

That besides taking efficacious measures to prevent the future fitting out of privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of all such prizes as shall be hereafter brought within their ports by any of the said privateers.

It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in.

Reparation of the injury to which the United States have been made so involuntarily instrumental is all which now remains, and in this your compliance cannot but be expected.

In consequence of the information given in your letter of the 4th instant, that certain citizens of St. Domingo, lately arrived in the United States, were associating for the purpose of undertaking a military expedition from the territory of the United States, against that island, the Governor of Maryland, within which State the expedition is understood to be preparing, is instructed to take effectual measures to prevent the same.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, August 11, 1793.

Thomas Jefferson, with his respects to the President, begs leave to express in writing more exactly what he meant to have said yesterday. A journey home in the autumn is of a necessity which he cannot control after the arrangements he has made, and when there, it would be his extreme wish to remain. But if the continuance in office to the last of December, as intimated by the President, would, by bringing the two appointments nearer together, enable him to marshal them more beneficially to the public, and more to his own satisfaction, either motive will

suffice to induce Thomas Jefferson to continue till that time; he submits it therefore to the President's judgment, which he will be glad to receive when convenient, as the arrangements he had taken may require some change.

TO JAMES MADISON.

PHILADELPHIA, August 11, 1793.

DEAR SIR,—I wrote you last on the 3d instant. Yours of July 30th, came to hand yesterday. Besides the present which goes by post, I write you another to-day to go by Mr. D. Randolph, who sets out the day after to-morrow for Monticello, but whether by the direct route or via Richmond is not yet decided. I shall desire that letter to be sent to you by express from Monticello. I have not been able to lay my hands on the newspaper which gave a short but true view of the intention of the proclamation; however, having occasion to state it in a paper which I am preparing, I have done it in the following terms, and I give you the very words from the paper, because just as I had finished so far, 8 12.15. called on me. I read it to him. He said it presented fairly his view of the matter. He recalled to my mind that I had, at the time, opposed its being made a declaration of neutrality on the ground that the Executive was not the competent authority for that, and, therefore, that it was agreed the instrument should be drawn with great care. My statement is in these words:

"On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the laws it would impose *even on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient seafaring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as was said. In this state of the public mind, and before it should take an erroneous direction difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, by way of Proclamation, to remind our fellow-citizens that we were in a state of peace with all the belligerent powers; that in that state it was our duty neither to aid nor injure any; to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to, and to put them on their guard also as to the risks they would run if they should attempt to carry articles of contraband to any." Very soon afterwards we learnt that he was undertaking the fitting and arming vessels in that port, enlisting men, foreign and citizens, and giving them commissions to cruise and commit hostilities against nations at peace with us,

that these vessels were taking and bringing prizes into our ports, that the consuls of France were assuming to hold courts of admiralty on them, to try, condemn and authorize their sale as legal prizes, and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing and declared to exist in the President's proclamation, and which it was incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate, etc. This was the true sense of the proclamation in the view of the draughtsman and of the two signers; but H. had other views. The instrument was badly drawn, and made the P. go out of his line to declare things which, though true, it was not exactly his province to declare. The instrument was communicated to me after it was drawn, but I was busy, and only run an eye over it to see that it was not made a declaration of neutrality, and gave it back again, without, I believe, changing a tittle. Pacificus has now changed his signature to "no Jacobin." Three papers under this signature have been published in Dunlap. I suppose they will get into Fenno. They are commentaries on the laws of nations and on the different parts of our treaty with France. As yet

they have presented no very important heresy. Congress will not meet till the legal day. It was referred to a meeting at my office to consider and advise on it. I was for calling them. Kin. against it. H. said his judgment was against it. But he would join any two who should concur so as to make a majority either way. R. was pointedly against it. We agreed to give our opinions separately, and though the P. was in his own judgment for calling them, he acquiesced in the majority. I pass on to the other letter; so adieu. Yours affectionately.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, August 16, 1793.

SIR,—In my letter of January the 13th, I enclosed to you copies of several letters which had passed between Mr. Ternant, Mr. Genet and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principle on which our government was conducting itself towards the belligerent parties; principles which might not in all cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct so unexpected and so extraordinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a

regard for our laws, the authority of which must be maintained; for the peace of our country, which the executive magistrate is charged to preserve; for its honor, offended in the person of that magistrate; and for its character grossly traduced, in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolor, in the letters of the Executive Council, in the letter and decrees of the National Assembly, and in the general demeanor of the nation towards us, to describe to them things of so contrary a character. Our first duty, therefore, was, to draw a strong line between their intentions and the proceedings of their minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the restraints it would impose even *on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient sea-faring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this

nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens that we were in a state of peace with all the belligerent powers, that in that state it was our duty neither to aid nor injure any, to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to; and to put them on their guard also, as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th and signed the 22d day of April, was sent to you in my letter of the 26th of the same month.

On the day of its publication, we received, through the channel of the newspapers, the first intimation that Mr. Genet had arrived on the 8th of the month at Charleston, in the character of Minister Plenipotentiary from his nation to the United States, and soon after, that he had sent on to Philadelphia the vessel in which he came, and would himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention; and very soon afterwards, we learned that he was undertaking to authorize the fitting and arming vessels in that port, enlisting men, foreigners and

citizens, and giving them commissions to cruise and commit hostilities on nations at peace with us; that these vessels were taking and bringing prizes into our ports; that the consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prize, and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing, and declared to exist in the President's proclamation, and incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May the 15th, heretofore enclosed to you, corresponding in substance with a letter of the same date written to Mr. Ternant, the minister of France then residing here, a copy of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had arrived at Charleston, and might have been at Philadelphia, if he had steered for it directly. He was immediately presented to the President, and received by him as the minister of the republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war without allowing us the exercise of

any free will in the case, nothing could be more assuaging than his assurance to the President at his reception, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia in answer to an address from them, that on account of our remote situation and other circumstances, France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness in peace. In a conversation a few days after, Mr. Genet told me that M. de Ternant had delivered him my letter of May the 15th. He spoke something of the case of the Grange, and then of the armament at Charleston, explained the circumstances which had led him to it before he had been received by the government and had consulted its will, expressed a hope that the President had not so absolutely decided against the measure but that he would hear what was to be said in support of it, that he would write me a letter on the subject, in which he thought he could justify it under our treaty; but that if the President should finally determine otherwise, he must submit; for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May the 27th. The President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June the 5th notifying this to him, his of June the 8th and 14th, mine of the 17th, and his again of the 22d, will show what further passed on

this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President.

It would be tedious to pursue this and our subsequent correspondence through all their details. Referring, therefore, for these to the letters themselves, which shall accompany this, I will present a summary view only of all the points of difference which have arisen, and the grounds on which they rest.

1. Mr. Genet asserts his right of arming in our ports and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs, from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties, that favors to one to the prejudice of the other, would import a fraudulent neutrality, of which no nation would be the dupe; that no succor should be given to either, unless stipulated by treaty, in men, arms, or anything else directly serving for war; that the right of raising troops being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent; and he who does, may be rightfully and severely punished; that if the United States have a right to

refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations Mr. Genet answers, by calling them "diplomatic subtleties," and "aphorisms of Vattel and others." But something more than this is necessary to disprove them; and till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports.

But Mr. Genet says, that the twenty-second article of our treaty allows him *expressly* to arm in our ports. Why has he not quoted the very words of that article *expressly* allowing it? For that would have put an end to all further question. The words of the article are, "it shall not be lawful for any foreign privateers not belonging to subjects of the M. C. King, nor citizens of the said United States, who have commissions from any foreign Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties." Translate this from the general terms in which it here stands, into the special case produced by the present war. "Privateers not belonging to France or the United States, and having commissions from the enemies of one of them," are, in the present state of things, "British, Dutch and Spanish privateers." Substituting these, then, for the equivalent terms, it will stand thus, "it shall not be lawful for British,

Dutch, or Spanish privateers to fit their ships in the ports of the United States." Is this an *express* permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not; it leaves the question as to France open, and free to be decided according to circumstances. And if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence or implications. Suppose they had desired to stipulate a refusal to their enemies, but nothing to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but with the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could in no case embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France when this treaty was made, and we shall find several cases wherein France could not have permitted us to arm in her ports. Suppose a war between these States and Spain. We know, that by the treaties between France and Spain, the former could not permit the

enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same sense of it in her subsequent treaty with England, made eight years after the date of ours, stipulating in the sixteenth article of it, as in our twenty-second, that foreign privateers, *not being subjects of either crown*, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation that the subjects of the other crown might arm in her ports *against us*, it would have been in direct contradiction to her twenty-second article with us. So that to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith; to give them only their negative and natural effect, is to reconcile them to one another and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right, in the present case, to Great Britain and the other enemies of France. It does not go on to give it to France, either expressly or by implication. We may then refuse it. And since we are bound by treaty to refuse it to the one

party, and are free to refuse it to that other, we are bound by the laws of neutrality to refuse it to the other. The aiding either party then with vessels, arms or men, being unlawful by the law of nations, and not rendered lawful by the treaty, it is made a question whether our citizens, joining in these unlawful enterprises, may be punished?

The United States being in a state of peace with most of the belligerent powers by treaty, and with all of them by the laws of nature, murders and robberies committed by our citizens within our territory, or on the high seas, on those with whom we are so at peace, are punishable equally as if committed on our own inhabitants. If I might venture to reason a little formally, without being charged with running into 'subtleties and aphorisms,' I would say that if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has a right to go to war, by the authority of its individual citizen. But this is not true either on the general principles of society, or by our Constitution, which gives that power to Congress alone, and not to the citizens individually. Then the first position was not true; and no citizen has a right to go to war of his own authority; and for what he does without right, he ought to be punished. Indeed, nothing can be more obviously absurd than to say, that all the citizens may be at war, and yet the nation at peace.

It has been pretended, indeed, that the engagement of a citizen in an enterprise of this nature, was a divestment of the character of citizen, and a transfer of jurisdiction over him to another sovereign. Our citizens are certainly free to divest themselves of that character by emigration and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do. But the laws do not admit that the bare commission of a crime amounts of itself to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never prescribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, innocent by giving it the force of a dissolution of the obligation of the criminal to his country. Accordingly, in the case of Henfeild, a citizen of these States, charged with having engaged in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the Attorney General of the United States, in an official opinion, declared that the act with which he was charged was punishable by law. The same thing has been unanimously declared by two of the circuit courts of the United States, as you will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is

able to tell the Governor, and continues to affirm in his correspondence here, that no law of the United States authorizes their government to restrain either its own citizens or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that in the case of Henfeild, the jury which tried, absolved him. But it appeared on the trial, that the crime was not knowingly and wilfully committed; that Henfeild was ignorant of the unlawfulness of his undertaking; that in the moment he was apprised of it he showed real contrition; that he had rendered meritorious services during the late war, and declared he would live and die an American. The jury, therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty: the Constitution having provided for the pardon of offences in certain cases, and there being no case where it would have been more proper than where no offence was contemplated. Henfeild, therefore, was still an American citizen, and Mr. Genet's reclamation of him was as unauthorized as the first enlistment of him.

2. Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions whether vessels, *held by theirs* as prizes, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly into complete courts of admiralty.

Let us consider, first, what is the extent of jurisdiction which the consulates of France may rightfully exercise here. Every nation has of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend on the instrument of cession. The United States and France have, by their consular convention, given mutually to their consuls jurisdiction in certain cases especially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France, then, cannot take judicial cognizance of those questions here. Of this opinion Mr. Genet was when he wrote his letter of May the 27th, wherein he promises to correct the error of the consul at Charleston, of whom, in my letters of the 15th instant, I had complained, as arrogating to himself that jurisdiction; though in his subsequent letters he has thought proper to embark in the errors of his consuls.

But the United States, at the same time, do not pretend any right to try the validity of captures made *on the high seas*, by France, or any other nation, over its enemies. These questions belong, of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must

be had to his courts. This is the case provided for in the seventeenth article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof; a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning. As the validity of captures then, made *on the high seas* by France over its enemies, cannot be tried within the United States by their consuls, so neither can they by our own courts. Nor is this the question between us, though we have been misled into it.

The real question is, whether the United States have not a right to protect vessels within their waters and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware State, and several miles above its mouth. The seizing her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit in his letters for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French consul according to my letter of June the 25th, to be kept till the executive of the United States should examine into the case; and Mr. Genet was desired by my letter of June the 29th, to have them furnished with the evidence on behalf of the captors, as to the place of capture. Yet to this day it has never been done. The brig Fanny was alleged to

be taken within five miles from our shore; the Catharine within two miles and a half. It is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other of our waters, or on the shores of the United States, the right of redressing is still the same; and humble indeed would be our condition, were we obliged to depend for that on the will of a foreign consul, or on negotiation with diplomatic agents. Accordingly, this right of protection within its waters and to a reasonable distance on its coasts, has been acknowledged by every nation, and denied to none; and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves. France herself has asserted the right in herself and recognized it in us, in the sixth article of our treaty, where we mutually stipulate that we will, *by all the means in our power* (not by negotiation), protect and defend each other's vessels and effects in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia and Sweden, have recognized it also in

treaties with us; and, indeed, it is a standing formula, inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.

How, and by what organ of the government, whether judiciary or executive, it shall be redressed, is not yet perfectly settled with us. One of the subordinate courts of admiralty has been of opinion, in the first instance, in the case of the ship William, that it does not belong to the judiciary. Another, perhaps, may be of a contrary opinion. The question is still *sub judice*, and an appeal to the court of last resort will decide it finally. If finally the judiciary shall declare that it does not belong to the *civil* authority, it then results to the executive, charged with the direction of the *military* force of the Union, and the conduct of its affairs with foreign nations. But this is a mere question of internal arrangement between the different departments of the government, depending on the particular diction of the laws and Constitution; and it can in nowise concern a foreign nation to which department these have delegated it.

3. Mr. Genet, in his letter of July the 9th, requires that the ship Jane, which he calls an English privateer, shall be immediately ordered to depart; and to justify this, he appeals to the 22d article of our treaty, which provides that it shall not be lawful for any foreign *privateer* to fit their ships in our ports, to sell *what they have taken*, or purchase victuals, etc.

The ship Jane is an English merchant vessel, which has been many years employed in the commerce between Jamaica and these States. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called *letters of marque*. She arrived here safely without having had any rencounter of any sort. Can it be necessary to say that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer, than a husbandman following his plough in time of war, with a knife or pistol in his pocket, is thereby made a soldier? The occupation of a privateer is attack and plunder, that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports, and from selling *what she has taken*, that is, what she has acquired by war, to show it did not mean the merchant vessel, and what she had acquired by commerce. Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who had a boat, or money enough to buy one, would make her a privateer, our coasts would swarm with them, foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which

we have not vessels to carry away, our ploughs must be laid aside and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term *privateer*. Finding that the Jane had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes for them, the carriages were ordered to be re-landed, the additional port-holes stopped, and her means of defence reduced, to be exactly the same at her departure as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4. The seventeenth article of our treaty leaves armed vessels free to *conduct*, whithersoever they please, the ships and goods taken from their enemies without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident, that this article does not contemplate a freedom *to sell their prizes* here; but on the contrary, a *departure* to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices; and against this the article provides. But the armed vessels of France have

been also admitted to land and sell their prize goods here for consumption, in which case, it is as reasonable they should pay duties, as the goods of a merchantman landed and sold for consumption. They have, however, demanded, and as a matter of right, to sell them free of duty, a right, they say, given by this article of the treaty, though the article does not give the right to sell at all. Where a treaty does not give the principal right of selling, the additional one of selling duty free cannot be given; and the laws in admitting the principal right of selling, may withhold the additional one of selling duty free. It must be observed, that our revenues are raised almost wholly on imported goods. Suppose prize goods enough should be brought in to supply our whole consumption. According to their construction we are to lose our whole revenue. I put the extreme case to evince, more extremely, the unreasonableness of the claim. Partial supplies would affect the revenue but partially. They would lessen the evil, but not the error, of the construction; and I believe we may say, with truth, that neither party had it in contemplation, when penning this article, to abandon any part of its revenue for the encouragement of the sea robbers of the other.

5. Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which he says is against the law of nations and ought to be prevented by us. On the contrary, we suppose it to have been long an estab-

lished principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle which subjects merchant vessels to be stopped at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions, in special cases, to the general operation of the law of nations. We have introduced it into our treaties with France, Holland, and Prussia; and French goods found by the two latter nations in American bottoms are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the meanwhile, they have a right to act on the general principle, without giving to us or to France cause of complaint. Nor do I see that France can lose by it on the whole. For though she loses *her* goods when found in our vessels by the nations with whom we have no treaties, yet she gains *our* goods, when found in the vessels of the same and all other nations; and we believe the latter mass to be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dreadful calamity which has lately

happened in St. Domingo. The miserable fugitives, who, to save their lives, had taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment out of the ashes of their houses and wrecks of their fortunes, have been plundered of these remains by the licensed sea rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle, that "an enemy's goods are free prize in the vessels of a friend." But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our own towns to the same burning and butcheries, nor of complaint because we do not.

6. In a case like the present, where the missionary of one government construes differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules; and reason and usage have established, in such cases, a convenient and well-understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile the government of the country to a concurrence. It is the duty of that

government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows of necessity, that exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own government, asks new instructions, and, in the meantime, acquiesces in the authority of the country. His government examines his constructions, abandons them if wrong, insists on them if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and bolder line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do what even his sovereign could not authorize, to put himself within the country on a line with its government, to act as co-sovereign of the territory; he arms vessels, levies men, gives commissions of war, independently of them, and in direct opposition to their orders and efforts. When the government forbids their citizens to arm and engage in the war, he undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exer-

cise, and to avow it openly. The privateers Citoyen Genet and Sans Culottes having been fitted out at Charleston (though without the permission of the government, yet before it was forbidden) the President only required they might leave our ports, and did not interfere with their prizes. Instead, however, of their quitting our ports, the Sans Culottes remains still, strengthening and equipping herself, and the Citoyen Genet went out only to cruise on our coast, and to brave the authority of the country by returning into port again with her prizes. Though in the letter of June the 5th, the final determination of the President was communicated, that no future armaments in our ports should be permitted, the Vainqueur de La Bastille was afterwards equipped and commissioned in Charleston, the Anti-George in Savannah, the Carmagnole in Delaware, a schooner and a sloop in Boston, and the Polly or Republican was attempted to be equipped in New York, and was the subject of reclamation by Mr. Genet, in a style which certainly did not look like relinquishing the practice. The Little Sarah or Little Democrat was armed, equipped and manned, in the port of Philadelphia, under the very eye of the government, as if meant to insult it. Having fallen down the river, and being evidently on the point of departure for a cruise, Mr. Genet was desired in my letter of July the 12th, on the part of the President, to detain her till some inquiry and determination on the case should be had. Yet within three or four days after, she

was sent out by orders from Mr. Genet himself, and is, at this time, cruising on our coasts, as appears by the protest of the master of one of our vessels maltreated by her.

The government thus insulted and set at defiance by Mr. Genet, and committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual, and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British minister here, that the vessels already armed to our ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or compensated. The same thing was notified to Mr. Genet in my letter of August the 7th, and that he might not conclude the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line against nations with whom we are at peace, undertakes also to direct the civil government; and particularly for the executive and legislative bodies, to pronounce what powers may or may not be exercised by the one

or the other. Thus, in his letter of June the 8th, he promises to respect the political opinions of the President, *till the Representatives shall have confirmed or rejected them;* as if the President had undertaken to decide what belonged to the decision of Congress. In his letter of June the 4th, he says more openly, that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June the 22d, he tells the President in direct terms, that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding; thus making himself, and not the President, the judge of the powers ascribed by the Constitution to the executive, and dictating to him the occasion when he should exercise the power of convening Congress at an earlier day than their own act had prescribed.

On the following expressions, no commentary shall be made:

July 9. "Les principes philosophiques proclamées par le Président."

June 22. "Les opinions privées ou publiques de M. le President, et cette égide ne paroissant, pas suffisante."

June 22. "Le gouvernement fédéral s est empressé, poussé par je ne scais quelle influence."

June 22. "Je ne puis attribuer, des démarches de cette nature qu'à des impressions étrangères dont le tems et la vérité triompheront."

June 25. "On poursuit avec acharnement, en vertu des instructions de M. le Président, les armateurs Français."

June 14. "Ce rêfus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses accomplices, pour faire périr par la famine les Républicains Français avec la liberte."

June 8. "La lache abandon de ses amis."

July 25. "En vain le désir de conserver la paix fait-il sacrifier les intérêts de la France à cet intérêt du moment; en vain le soif des richesses l'emporte-t-elle sur l'honneur dans la balance politique de l'Amerique. Tous ces ménagemens, toute cette condescendance, toute cette humilité n'aboutissent à rien; nos ennemis on rient, et les Français trop confiants sont punis pour avoir cru que la nation Americaine, avoit un pavillon, qu'elle avoit quelque égard pour ses loix, quelque conviction de ses forces, et qu'elle tenoit au sentiment de sa dignité. Il ne m'est pas possible de peindre toute ma sensibilité sur ce scandale qui tend à la diminution de votre commerce, à l'oppression du notre, et à l'abaissement, à l'avilissement des republiques. Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souveraineté de votre peuple, parlez; nous l'avons garantié quand nous étions esclaves, nous saurons la rendre redoubtable étant devenus libres."

We draw a veil over the sensations which these expressions excite. No words can render them; but

they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the portrait of ourselves, nor the pencil of our friends; but an attempt to embroil both; to add still another nation to the enemies of his country, and to draw on both a reproach, which it is hoped will never stain the history of either. The written proofs, of which Mr. Genet himself was the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their Executive Council, attest this truth, in terms which render it necessary to seek in some other hypothesis the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunities of sallying forth from our ports to waylay, rob and murder defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after so afflicting a libel, we recollect with satisfaction, that in the course of two years, by unceasing exertions, we paid up seven

years' arrearages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating; that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France, threatened with famine; that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial; that we have received according to our best abilities the wretched fugitives from the catastrophe of the principal town of that colony, who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses; that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of other nations, as we believe; the spirit manifested by the late grand jury in their proceedings against those who had aided the enemies of France with arms and implements of war, the expressions of attachment to his nation, with which Mr. Genet was welcomed on his arrival and journey from south to north, and our long forbearance under his gross usurpations and outrages of

the laws and authority of our country, do not bespeak the partialities intimated in his letters. And for these things he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have entrusted with their government, between the different branches of our government, between our nation and his. But none of these things, we hope, will be found in his power. That friendship which dictates to us to bear with his conduct yet a while, lest the interests of his nation here should suffer injury, will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory at the same time without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been

resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or to what is more than hazard, the will of an agent whose designs are so mysterious.

Lay the case then immediately before his government. Accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that, faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in anything, however, we have construed them amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that in opposing the extravagances of an agent, whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves and justice to others, which cannot but be approved by those who are just themselves; and finally, that after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them.

I have the honor to be, with great respect and esteem, dear Sir, your most obedient, and most humble servant.[1]

[1] A copy of the preceding letter was sent, enclosed by the Secretary of State, to Mr. Genet.

TO DUKE AND CO.

PHILADELPHIA, August 21, 1793.

GENTLEMEN,—Complaint having been made to the government of the United States of some instances of unjustifiable vexation and spoliation committed on our merchant vessels by the privateers of the powers at war, and it being possible that other instances may have happened of which no information has been given to the government, I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties, and that on the forwarding hither well-authenticated evidence of the same, proper proceedings will be adopted for their relief. The just and friendly dispositions of the several belligerent powers afford well-founded expectation that they will not hesitate to take effectual measures for restraining their armed vessels from committing aggressions and vexations on our citizens or their property.

There being no particular portion or description of the mercantile body pointed out by the law for receiving communications of this nature, I take the liberty of addressing it to the merchants of Savannah for the State of Georgia, and of requesting that through them it may be made known to all those of their State whom it may concern. Information will

be freely received either from the individuals aggrieved or from any associations of merchants who will be pleased to take the trouble of giving it in a case so interesting to themselves and their country.

I have the honor to be, with great respect, Gentlemen, your most obedient servant.

TO JAMES MADISON.

PHILADELPHIA, August 25, 1793.

SIR,—You will perceive by the enclosed papers that Genet has thrown down the gauntlet to the President by the publication of his letter and my answer, and is himself forcing that appeal to the people, and risking that disgust which I had so much wished should have been avoided. The indications from different parts of the continent are already sufficient to show that the mass of the republican interest has no hesitation to disapprove of this intermeddling by a foreigner, and the more readily as his object was evidently, contrary to his professions, to force us into the war. I am not certain whether some of the more furious republicans may not schismatize with him.

TO JAMES MADISON.

PHILADELPHIA, September 1, 1793.

SIR,—My last was of the 25th, since that I have received yours of the 20th, and Col. M.'s of the 21st.

Nothing further has passed with Mr. Genet, but one of his consuls has committed a pretty serious deed at Boston, by going with an armed force taken from a French frigate in the harbor, and rescuing a vessel out of the hands of the marshal who had arrested her by process from a court of justice; in another instance he kept off the marshal by an armed force from serving a process on a vessel. He is ordered, consequently, to be arrested himself, prosecuted and punished for the rescue, and his exequatur will be revoked. You will see in the newspapers the attack made on our commerce by the British king in his *additional instructions* of June 8. Though we have only newspaper information of it, *provisional* instructions are going to Mr. Pinckney to require a revocation of them, and indemnification for all losses which individuals may sustain by them in the meantime. Of the revocation I have not the least expectation. I shall therefore be for laying the whole business (respecting both nations) before Congress. While I think it impossible they should not approve of what has been done disagreeable to the friendly nation, it will be in their power to soothe them by strong commercial retaliation against the hostile one. Pinching their commerce will be just against themselves, advantageous to us, and conciliatory towards our friends of the hard necessities into which their agent has drawn us. His conduct has given room for the enemies of liberty and of France, to come forward in a state of acrimony against that nation,

which they never would have dared to have done. The disapprobation of the agent mingles with the reprehension of his nation, and gives a toleration to that which it never had before. He has still some defenders in Freneau, and Greenlief's paper, and who they are I know not: for even Hutcheson and Dallas give him up. I enclose you a Boston paper, which will give you a specimen of what all the papers are now filled with. You will recognize Mr. A—— under the signature of Camellus. He writes in every week's paper, and generally under different names. This is the first in which he has omitted some furious incartade against me. Hutcheson says that Genet has totally overturned the republican interest in Philadelphia. However, the people going right themselves, if they always see their republican advocates with them, an accidental meeting with the monocrats will not be a coalescence. You will see much said, and again said, about G.'s threat to appeal to the people. I can assure you it is a fact. I received yesterday the MS. you mentioned to me from F——n. I have only got a dozen pages into it, and never was more charmed with anything. Profound arguments presented in the simplest point of view entitle him really to his ancient signature. In the papers received from you, I have seen nothing which ought to be changed, except a part of one sentence not necessary for its object, and running foul of something of which you were not apprised. A malignant fever has been generated in the filth

of Water street, which gives great alarm. About 70 people had died of it two days ago, and as many more were ill of it. It has now got into most parts of the city, and is considerably infectious. At first 3 out of 4 died, now about 1 out of 3. It comes on with a pain in the head, sick stomach, then a little chill, fever, black vomiting and stools, and death from the 2d to the 8th day. Everybody who can, is flying from the city, and the panic of the country people is likely to add famine to disease. Though becoming less mortal, it is still spreading, and the heat of the weather is very unpropitious. I have withdrawn my daughter from the city, but am obliged to go to it every day myself. My threshing machine has arrived at New York. Mr. Pinckney writes me word that the original from which this model is copied, threshes 150 bushels of wheat in 8 hours, with 6 horses and 5 men. It may be moved either by water or horses. Fortunately the workman who made it (a millwright) is come in the same vessel to settle in America. I have written to persuade him to go on immediately to Richmond, offering him the use of my model to exhibit, and to give him letters to get him into immediate employ in making them. I expect an answer before I write to you again. I understand that the model is made mostly in brass, and in the simple form in which it was first ordered, to be worked by horses. It was to have cost 5 guineas, but Mr. Pinckney having afterwards directed it to be accommodated to water

movement also, it has made it more complicated, and costs 13 guineas. It will thresh any grain from the Windsor bean down to the smallest. Adieu.

TO MR. CHRISTOPHER GORE, U. S. ATTORNEY FOR MASSACHUSETTS.

PHILADELPHIA, September 2, 1793.

SIR,—The President is informed through the channel of a letter from yourself to Mr. Lear, that M. Duplaine, consul of France at Boston, has lately, with an armed force, seized and rescued a vessel from the officer of a court of justice, by process from which she was under arrest in his custody: and that he has in like manner, with an armed force, opposed and prevented the officer, charged with process from a court against another vessel, from serving that process. This daring violation of the laws requires the more attention, as it is by a foreigner clothed with a public character, arrogating an unfounded right to admiralty jurisdiction, and probably meaning to assert it by this act of force. You know that by the law of nations, consuls are not diplomatic characters, and have no immunities whatever against the laws of the land. To put this altogether out of dispute, a clause was inserted in our consular convention with France, making them amenable to the laws of the land, as other inhabitants. Consequently, M. Duplaine is liable to arrest, imprisonment, and other punishments, even capital, as other

foreign subjects resident here. The President, therefore, desires that you will immediately institute such a prosecution against him, as the laws will warrant. If there be any doubt as to the character of his offence, whether of a higher or lower grade, it will be best to prosecute for that which will admit the least doubt, because an acquittal, though it might be founded merely on the opinion that the grade of offence with which he is *charged* is higher than his *act* would support, yet it might be construed by the uninformed to be a judiciary decision against his amenability to the law, or perhaps in favor of the jurisdiction these consuls are assuming. The process therefore, should be of the surest kind, and all the proceedings well grounded. In particular, if an arrest, as is probable, be the first step, it should be so managed as to leave room neither for escape nor rescue. It should be attended with every mark of respect, consistent with safe custody, and his confinement as mild and comfortable also, as that would permit. These are the distinctions to which a consul is entitled, that is to say, of a particular decorum of deportment towards him, indicative of respect to the sovereign whose officer he is.

The President also desires you will immediately obtain the best evidence it shall be in your power to procure, under oath or affirmation, of the transaction stated in your letter, and that in this, you consider yourself as acting as much on behalf of M. Duplaine as the public, the candid truth of the case being

exactly that which is desired, as it may be the foundation of an act, the justice of which should be beyond all question. This evidence I shall be glad to receive within as few days, or even hours, of delay as possible.

I am also instructed to ask the favor of you to communicate copies of any memorials, representations or other written correspondence which may have passed between the Governor and yourself, with respect to the privateers and prizes which have been the subject of your letters to Mr. Lear.

I have the honor to be, with great respect, Sir, your most obedient servant.

TO GEORGE HAMMOND, THE BRITISH MINISTER.

PHILADELPHIA, September 5, 1793.

SIR,—I am honored with yours of August the 30th. Mine of the 7th of that month assured you that measures were taking for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the Lovely Lass, Prince William Henry, and the Jane of Dublin, and that should the measures for restitution fail in their effect, the President considers it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power* to protect and defend their vessels and effects in our

ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on *the high seas* and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forborne to use *all the measures in our power* for the restitution of the three vessels mentioned in my letter of August the 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June and *before the date of that letter*, yet where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined that all the means in our power should be used for their restitution. If these fail us, as we should not be bound by our treaties to make compensation to the other powers, in the analogous

case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the Custom House officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself or any person under your direction, in order that the government may use the means in their power, for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as the distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or *compensation*, in the cases *before* the seventh of August, and, *after* that date, *restitution*, if it can be effected by any means in our power; and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned between the dates of June the 5th and August the 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collectors of the customs where the respective vessels are.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant

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TO THOMAS PINCKNEY, U. S. MINISTER TO GREAT BRITAIN.

PHILADELPHIA, September 7, 1793.

SIR,—We have received, through a channel which cannot be considered as authentic, the copy of a paper, styled "Additional Instructions to the Commanders of his Majesty's Ships of War and Privateers," etc., dated at St. James's, June 8, 1793. If this paper be authentic, I have little doubt but that

you will have taken measures to forward it to me. But as your communication of it may miscarry, and time in the mean will be lost, it has been thought better that it should be supposed authentic; that on that supposition I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British government; desiring at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper which is the occasion of it be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour or meal, bound to any port in France, to be stopped and sent into any British port, to be purchased by that government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country *in amity with his Majesty.*

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary than to observe that it is so. Reason and usage have established that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations, to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual, to go and come freely without injury or molestation, and in short, that the war among others shall be, for them, as if it did not exist.

One restriction on their natural rights has been submitted to by nations at peace, that is to say, that of not furnishing to either party implements merely of war for the annoyance of the other, nor anything whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed and is so well understood as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere, which has not made a particular enumeration of them in some or all of their treaties, under the name of contraband. It suffices for the present occasion, to say, that corn, flour and meal, are not of the class of contraband, and consequently remain articles of free commerce. A culture which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war then existing between Great Britain and France, furnishes no legitimate right either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently, the assumption of it will be as lawful hereafter as now, in peace as in war. No ground, acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time, and at all times. We see then a practice begun, to which no time, no circumstances prescribe any limits,

and which strikes at the root of our agriculture, that branch of industry which gives food, clothing and comfort to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up to our produce all the ports of the earth except her own and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree, at the mere will or interest of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty. They go to exchange the surplus of one produce which we can spare, for surplusses of other kinds which they can spare and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessaries and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality to furnish no

aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid if justice to all parties and from all parties will enable us to avoid it. In the case where we found ourselves obliged by treaty to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should in like manner be bound to withhold them from her enemies also; and thus shut to ourselves all the ports of Europe where corn is in demand, or make ourselves parties in the war. This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss. nor of making us the instruments of it.

The President therefore desires, that you will immediately enter into explanations on this subject with the British government. Lay before them in friendly and temperate terms all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States who may have suffered by it in the meantime. Accompany your representations by every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectations of justice on their part, on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this government, (not a single answer I believe having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer. Perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and on the first day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize for con-

demnation all vessels, on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized, on their first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden and the United States alone are neutral. To declare then all *neutral* vessels (for as to the vessels of the *belligerent* powers no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark and Sweden*, is exactly to declare *that the vessels of the United States* shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence that the article has avoided naming the United States, since it has used a description applicable to them, and to them alone, while it exempts the others from its operation by name. You will be pleased to ask an explanation of this distinction; and you will be able to say, in discussing its justice, that in every circumstance, we treat Great Britain on the footing of the most favored nation where our treaties do not preclude us, and that even these are just as favorable to her, as hers are to us. Possibly she may be bound by treaty to admit this exception in favor of Denmark and Sweden. But she cannot be bound by treaty to withhold it from us. And if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain during the short course of the present war, as well as the peace which preceded it?

Whether these explanations with the British government shall be verbal or in writing, is left to yourself. Verbal communications are very insecure; for it is only to deny them or to change their terms, in order to do away their effect at any time. Those in writing have as many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprized.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient humble servant.

TO JAMES MADISON.

PHILADELPHIA, September 8, 1793.

I have received and am charmed with No. 5. I thought the introduction an useful lesson to others as I found it to myself, for I had really, by constantly hearing the sound, been led into a pretty free use of it myself. I struck out the passage you desired in the page. I struck out also the words "and neutrality" in the following passage, "taking the proclamation *in its proper sense* as reminding all concerned, that as the United States were at peace, the laws of peace *and neutrality* were still obligatory," also a paragraph of four lines that a minister from France was hourly expected when the proclamation issued. There was one here at the time; the other did not arrive in six weeks. To have waited that time should have given full course to the evil.

I went through Franklin with enchantment; and

what peculiarly pleased me was, that there was not a sentence from which it could be conjectured whether it came from north, south, east or west. At last a whole page of Virginia flashed on me. It was in the section on the state of parties, and was an apology for the continuance of slavery among us. However, this circumstance may be justly palliated, it had nothing to do with the state of parties, with the bank, encumbered a good cause with a questionable argument. Many readers who would have gone heart and hand with the author so far, would have flown off in a tangent from that paragraph. I struck it out. Justify this if you please to those concerned, and if it cannot be done, say so, and it may still be re-established. I mentioned to you in my last that a French consul at Boston had rescued a vessel out of the hands of a Marshal by military force. Genet has, at New York, forbidden a Marshal to arrest a vessel, and given orders to the French squadron to protect her by force. Was there ever an instance before of a diplomatic man overawing and obstructing the course of the law in a country by an armed force? The yellow fever increases. The week before last about three a day died. This last week about eleven a day have died; consequently, from known data about thirty-three a day are taken, and there are about three hundred and thirty patients under it. They are much scattered through the town, and it is the opinion of the physicians that there is no possibility of stopping it. They agree it is a nondescript

disease, and no two agree in any one part of their process of cure. The President goes off the day after to-morrow, as he had always intended. Knox then takes flight. Hamilton is ill of the fever, as is said. He had two physicians out at his house the night before last.

TO GEORGE HAMMOND, THE BRITISH MINISTER.

PHILADELPHIA, September 9, 1793.

SIR,—I have the honor to acknowledge the receipt of your two memorials of the 4th and 6th instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French squadron now in New York to seek asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never learned, and which we believe to be impossible, from the information received of their wants and other impediments to active service.

This case has been noted specially, to show that no inconvenience can have been produced to the trade of the other belligerent powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England, and all other nations have a right to cruise on our coasts; a right not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by a treaty with us, (as she has done also by a treaty with Great Britain, in the event of a war with us or any other nation) two special rights. 1. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us instead of Great Britain. 2. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, etc. This is not exclusive. As then we are bound by treaty to receive the public armed vessels of France, and are not bound to exclude those of her enemies, the executive has never denied the same right of asylum in our ports to the public armed vessels of your nation. They, as well as the French, are free to come into them in all cases of weather, piracies, enemies, or other urgent necessity, and to refresh, victual, repair, etc. And so many are these urgent necessities, to vessels far from their own ports,

that we have thought inquiries into the nature as well as the degree of the necessities which drive them hither, as endless as they would be fruitless, and therefore have not made them. And the rather, because there is a third right, secured to neither by treaty, but due to both on the principles of hospitality between friendly nations, that of coming into our ports, not *under the pressure of urgent necessity*, but whenever their comfort or convenience induces them. On this ground, also, the two nations are on a footing.

As it has never been conceived that either would detain their ships of war in our ports when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie still in our ports from year's end to year's end, if they choose it. Thus, then, the public ships of war of both nations enjoy a perfect equality in our ports; first, in cases of urgent necessity; secondly, in cases of comfort or convenience; and thirdly, in the time they choose to continue; and all a friendly power can ask from another is, to extend to her the same indulgences which she extends to other friendly powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty made long ago, for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general, and may,

therefore, be faithfully observed without offence to any; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great Britain, in her treaty with France, and indeed is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the executive to take measures to prevent its continuance, as soon as they were apprized of it. They have been led by particular considerations to await the effect of these measures, believing they would be sufficient; but finding at length they were not, such others have been lately taken as can no longer fail to suppress this irregularity completely.

The President is duly sensible of the character of the act of opposition made to the serving of legal process on the brig William Tell, and he presumes the representations made on that subject to the minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO EDMOND C. GENET.

PHILADELPHIA, September 9, 1793.

SIR,—In my letter of June the 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States by the armed vessels of your nation, I undertook to assure you it would be more agreeable to the President, that such vessels should be detained under the orders of yourself or the consul of France, than by a military guard, until the government of the United States should be able to inquire into and decide on the fact. In two separate letters of the 29th of the same month, I had the honor to inform you of the claims lodged with the executive for the same ship William and the brig Fanny, to enclose you the evidence on which they were founded, and to desire that if you found it just, you would order the vessels to be delivered to the owners; or, if overweighed in your judgment by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence; and that the consuls of France might retain the vessels in their custody, in the meantime, until the executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still

without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, Sir, to repeat the request of early information on this subject, in order that if any injury has been done those interested, it may be no longer aggravated by delay.

The intention of the letter of June the 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard (which, in the case of the ship William, appeared to have been disagreeable to you), the indulgence was of course to be understood as going only to cases which the executive might take, or keep possession of, with a military guard, and not to interfere with the authority of the courts of justice in any case wherein they should undertake to act. My letter of June the 29th, accordingly, in the same case of the ship William, informed you that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the executive to interfere in it. Consequently, this alone put it in their power to leave the vessel in the hands of the consul. The courts of justice exercise the sovereignty of this country in judiciary matters; are supreme in these, and liable neither to control nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the consul of New York, in the first instance, and yourself in a subse-

quent one, forbid an officer of justice to serve the process with which he was charged from his court, on the British brig William Tell, taken by a French armed vessel within a mile of our shores, as has been deposed on oath, and brought into New York, and that you had even given orders to the French squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it within the body of the country by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it. I am, therefore, charged to declare to you expressly, that the President expects and requires that the officer of justice be not obstructed in freely and peaceably serving the process of his court, and that in the meantime the vessel and her cargo be not suffered to depart till the judiciary, if it will undertake it, or himself if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO MR. COXE.

PHILADELPHIA, September 10, 1793.

Thomas Jefferson presents his compliments to Mr. Coxe. He directed a census to be sent him in the moment of receiving his note of the 5th. With respect to the placing consuls in the British Islands, we are so far from being permitted that, that a common mercantile factor is not permitted by their laws. The experiment of establishing consuls in the colonies of the European nations has been going on for some time, but as yet we cannot say it has been formally and fully admitted by any. The French colonial authority has received them, but they have never yet been confirmed by the national authority.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, September 11, 1793.

DEAR SIR,—My late letters to you have been of August 16, 23, and 26, and a duplicate of the two first will accompany this. Yours lately received are April 4, 5, 11, 19, May 20, and June 1, being Nos. 26 to 31. I have little particulars to say to you by this opportunity which may be less certain than the last.

The north-western Indians have refused to meet our commissioners, unless they would agree to the Ohio as our boundary by way of preliminary article; and this being impossible on account of the army

locations and particular sales on that side the river, the war will go on. We may shortly expect to hear that General Wayne is in motion. An infectious and mortal fever is broke out in this place. The deaths under it the week before last were about forty, the last week about fifty, this week they will probably be about two hundred, and it is increasing. Every one is getting out of the city who can. Colonel Hamilton is ill of the fever, but is on the recovery. The President, according to an arrangement of some time ago, set out for Mount Vernon on yesterday. The Secretary of War is setting out on a visit to Massachusetts. I shall go in a few days to Virginia. When we shall reassemble again may perhaps depend on the course of this malady, and on that may depend the date of my next letter.

I have the honor to be, with great and sincere esteem and respect, dear Sir, your most obedient servant.

TO EDMOND C. GENET.

PHILADELPHIA, September 15, 1793.

SIR,—The correspondence which has taken place between the Executive and yourself, and the acts which you have thought proper to do, and to countenance, in opposition to the laws of the land, have rendered it necessary, in the opinion of the President, to lay a faithful statement of them before the government of France, to explain to them the reasons

and the necessity which have dictated our measures, to renew assurances of that sincere friendship which has suffered no intermission during the course of these proceedings, and to express our extreme anxiety that none may be produced on their part. This has accordingly been directed to be done by the Minister Plenipotentiary of the United States at Paris, in a letter, a copy of which I now enclose to you;[1] and, in order to bring to an end what cannot be permitted to continue, there could be no hesitation to declare in it the necessity of their having a representation here, disposed to respect the laws and authorities of the country, and to do the best for their interest which these would permit. An anxious regard for those interests, and a desire that they may not suffer, will induce the Executive in the meantime to receive your communications in writing, and to admit the continuance of your functions so long as they shall be restrained within the limits of the law, as heretofore announced to you, or shall be of the tenor usually observed towards independent nations by the representative of a friendly power residing with them.

The President thought it respectful to your nation as well as yourself, to leave to yourself the restraining certain proceedings of the consuls of France within the United States, which you were informed were contrary to the laws of the land, and, therefore, not to be permitted. He has seen with regret, however,

[1] See p. 180.

that you have been far from restraining these proceedings, and that the duty has devolved on him of suppressing them by the authority of the country. I enclose to you the copy of a letter written to the several consuls and vice-consuls of France, warning them that this will be done if any repetition of these acts shall render it necessary. To the consul of France at Boston, no such letter has been written. A more serious fact is charged on him, which, if proved as there is reason to expect, will render the revocation of his exequatur an act of immediate duty.

I have the honor to be, with great respect, Sir, your most obedient servant.

TO EDMOND C. GENET.

MONTICELLO, October 3, 1793.

SIR,—In a former letter which I had the honor of writing you, I mentioned that information had been received that M. Duplaine, vice-consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character, as if true would render it the duty of the President immediately to revoke the exequatur, whereby he is permitted to exercise the functions of vice-consul in these United States. The fact has been since inquired into, and I now enclose you copies of the evidence establishing it; whereby you will perceive how inconsistent with peace and order it would be, to permit, any longer,

the exercise of functions in these United States by a person capable of mistaking their legitimate extent so far, as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the government of France, and their sense of the necessity in every government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestation of the proceedings of one of their agents; as we would certainly do in the like case, were any consul or vice-consul of ours to oppose with an armed force, the course of their laws within their own limits. Still, however, indispensable as this act has been, it is with the most lively concern, the President has seen that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, with great esteem and respect, your most obedient, and most humble servant.

TO JAMES MADISON.

GERMANTOWN, November 2, 1793.

I overtook the President at Baltimore, and we arrived here yesterday, myself fleeced of seventy odd dollars to get from Fredericksburg here, the stages running no further than Baltimore. I mention this to put yourself and Monroe on your guard. The fever in Philadelphia has so much abated as to have

almost disappeared. The inhabitants are about returning. It has been determined that the President shall not interfere with the meeting of Congress. R. H. and K. were of opinion he had a right to call them to any place, but that the occasion did not call for it. I think the President inclined to the opinion. I proposed a proclamation notifying that the Executive business would be done here till further notice, which I believe will be agreed. H. R. Lewis, Rawle, etc., all concur in the necessity that Congress should meet in Philadelphia, and vote there their own adjournment. If it shall then be necessary to change the place, the question will be between New York and Lancaster. The Pennsylvania members are very anxious for the latter, and will attend punctually to support it, as well as to support much for Muhlenberg, and oppose the appointment of Smith (S. C.) speaker, which is intended by the Northern members. According to present appearances this place cannot lodge a single person more. As a great favor, I have got a bed in the corner of the public room of a tavern; and must continue till some of the Philadelphians make a vacancy by removing into the city. Then we must give him from four to six or eight dollars a week for cuddies without a bed, and sometimes without a chair or table. There is not a single lodging house in the place. Ross and Willing are alive. Hancock is dead. Johnson of Maryland has *refused* Rec. L. and McE. in contemplation; the last least. You will have seen Genet's

letters to Moultree and to myself. Of the last I know nothing but from the public papers; and he published Moultree's letter and his answer the moment he wrote it. You will see that his inveteracy against the President leads him to meditate the embroiling him with Congress. They say he is going to be married to a daughter of Clinton's. If so, he is afraid to return to France. Hamilton is ill, and suspicious he has taken the fever again by returning to his house. He, of course, could not attend here to-day; but the President had showed me his letter on the right of calling Congress to another place. Adieu.

TO EDMOND C. GENET.

GERMANTOWN, November 8, 1793.

SIR,—I have now to acknowledge and answer your letter of September the 13th, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that governments and jurisconsults have different views on this subject.

It is certain that, therefore, they have been much divided in opinion, as to the distance from their sea coast to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards

of twenty miles; and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distances have also been insisted on, and that of three sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers acting under his authority, to consider those heretofore given them as restrained, for the present, to the distance of one sea league, or three geographical miles, from the sea shore. This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being land-locked, within the body of the United States.

Examining by this rule the case of the British brig, Fanny, taken on the 8th of May last, it appears from the evidence that the capture was made four or five miles from the land; and consequently, without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, with sentiments of respect and esteem, Sir, your most obedient, and most humble servant.

TO GEORGE HAMMOND, THE BRITISH MINISTER.

GERMANTOWN, November 10, 1793.

SIR,—As in cases where vessels are reclaimed by the subjects or citizens of the belligerent powers as having been taken within the jurisdiction of the United States, it becomes necessary to ascertain that fact by testimony taken according to the laws of the United States. The Governors of the several States to whom the application will be made in the first instance, are desired immediately to notify thereof the Attorneys of their respective districts. The Attorney is thereupon instructed to give notice to the principal agent of both parties who may have come in with the prize, and also to the consuls of the nations interested, and to recommend to them to appoint, by mutual consent, arbiters to decide whether the capture was made within the jurisdiction of the United States, as stated to you in my letter of the 8th instant; according to whose award

the Governor may proceed to deliver the vessel to the one or the other party. But in case the parties or consuls shall not agree to name arbiters, then the Attorney, or some person substituted by him, is to notify them of the time and place, when and where he will be, in order to take the depositions of such witnesses as they may cause to come before him, which depositions he is to transmit for the information and decision of the President.

It has been thought best to put this business into such a train as that the examination of the fact may take place immediately, and before the witnesses may have again departed from the United States, which would too frequently happen, and especially in the distant States, if it should be deferred until information is sent to the Executive, and a special order awaited to take the depositions.

I take the liberty of requesting that you will be pleased to give such instructions to the consuls of your nation as may facilitate the object of this regulation. I urge it with the more earnestness because as the attorneys of the districts are for the most part engaged in much business of their own, they will rarely be able to attend more than one appointment, and consequently the party who should fail from negligence or other motive to produce his witnesses, at the time and place appointed, might lose the benefit of their testimony altogether. This prompt procedure is the more to be insisted on, as it will enable the President, by an immediate

delivery of the vessel and cargo to the party having title, to prevent the injuries consequent on long delay.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO GEORGE HAMMOND, MINISTER PLENIPOTENTIARY OF GREAT BRITAIN.

GERMANTOWN, November 14th, 1793.

SIR,—I have to acknowledge the receipt of your letter of the 7th instant, on the subject of the British ship, Rochampton, taken and sent into Baltimore by the French privateer, the Industry, an armed schooner of St. Domingo, which is suggested to have augmented her force at Baltimore before the capture. On this circumstance a demand is granted that the prize she has made shall be restored.

Before I proceed to the matters of fact in this case, I will take the liberty of calling your attention to the rules which are to govern it. These are, I. That restitution of prizes has been made by the Executive of the United States only in the two cases, 1st, of capture within their jurisdiction, armed vessels, originally constituted such without the limits of the United States; or 2d, of capture, either within or without their jurisdiction, by armed vessels, originally constituted such within the limits of the United States, which last have been called proscribed vessels.

II. That all *military equipments* within the ports of the United States are forbidden to the vessels of the belligerent powers, even where they have been constituted vessels of war before their arrival in our ports; and where such equipments have been made before detection, they are ordered to be suppressed when detected, and the vessel reduced to her original condition. But if they escape detection altogether, depart and make prizes, the Executive has not undertaken to restore the prizes.

With due care, it can scarcely happen that military equipments of any magnitude shall escape discovery. Those which are small may sometimes, perhaps, escape, but to pursue these so far as to decide that the smallest circumstance of military equipment to a vessel in our ports shall invalidate her prizes through all time, would be a measure of incalculable consequences. And since our interference must be governed by some general rule, and between great and small equipments no practicable line of distinction can be drawn, it will be attended with less evil on the whole to rely on the efficacy of the means of prevention, that they will reach with certainty equipments of any magnitude, and the great mass of those of smaller importance also; and if some should in the event, escape all our vigilance, to consider these as of the number of cases which will at times baffle the restraints of the wisest and best-guarded rules which human foresight can devise. And I think we may safely rely that since the regu-

lations which got into a course of execution about the middle of August last, it is scarcely possible that equipments of any importance should escape discovery.

These principles showing that no demand of restitution holds on the ground of a mere military alteration or an augmentation of force, I will consider your letter only as a complaint that the orders of the President prohibiting these, have not had their effect in the case of the Industry, and enquire whether if this be so, it has happened either from neglect or connivance in those charged with the execution of these orders. For this we must resort to facts which shall be taken from the evidence furnished by yourself and the British vice-consul at Baltimore, and from that which shall accompany this letter.

About the beginning of August the Industry is said to have arrived at Baltimore with the French fleet from St. Domingo; the particular state of her armament on her arrival is lately questioned, but it is not questioned that she was an armed vessel of some degree. The Executive having received an intimation that two vessels were equipping themselves at Baltimore for a cruise, a letter was on the 6th of August addressed by the Secretary of War to the Governor of Maryland, desiring an inquiry into the fact. In his absence the Executive Council of Maryland charged one of their own body, the honorable Mr. Killy, with the inquiring. He pro-

ceeded to Baltimore, and after two days' examination found no vessel answering the description of that which was the object of his inquiring. He then engaged the British vice-consul in the search, who was not able, any more than himself, to discover any such vessels. Captain Killy, however, observing a schooner, which appeared to have been making some equipments for a cruise, to have added to her guns, and made some alteration in her waist, thought these circumstances merited examination, though the rules of August had not yet appeared. Finding that his inquiries excited suspicion, and fearing the vessel might be withdrawn, he had her seized, and proceeded in investigation. He found that she was the schooner Industry, Captain Carver, from St. Domingo: that she had been an armed vessel for three years before her coming here, and as late as April last had mounted 16 guns; that she now mounted only 12, and he could not learn that she had procured any of these, or done anything else, essential to her as a privateer, at Baltimore. He, therefore, discharged her, and on the 23d of August the Executive Council made the report to the Secretary of War, of which I enclose you a copy. About a fortnight after this (Sep. 6) you added to a letter on other business a short paragraph, saying that you had lately received information that a vessel named the Industry had, within the last five or six weeks, been armed, manned and equipped in the port of Baltimore. The pro-

ceedings before mentioned having been in another department, were not then known to me. I, therefore, could only communicate this paragraph to the proper department. The separation of the Executive within a few weeks after, prevented any explanations on this subject, and without them it was not in my power to either controvert or admit the information you had received under these circumstances. I think you must be sensible, Sir, that your conclusion from my silence, that I regard the fact as proved, was a very necessary one.

New inquiries at that time could not have prevented the departure of the privateer, or the capture of the Rochampton; for the privateer had then been out some time. The Rochampton was already taken, and was arriving at Baltimore, which she did about the day of the date of your letter. After her arrival, new witnesses had come forward to prove that the Industry had made some military equipments at Baltimore before her cruise. The affidavits taken by the British vice-consul, are dated about nine or ten days after the date of your letter and arrival of the Rochampton, and we have only to lament that those witnesses had not given their information to the vice-consul when Mr. Killy engaged his aid in the enquiries he was making, and when it would have had the effect of our detaining the privateer till she should have reduced herself to the condition in which she was when she arrived in our ports, if she had really added any-

thing to her then force. But supposing the testimony just and full, (though taken *ex parte*, and not under the legal sanction of our oath,) yet the Governor's refusal to restore the prize was perfectly proper, for, as has been before observed, restitution has never been made by the Executive, nor can be made on a mere clandestine alteration or augmentation of military equipments, which was all that the new testimony tended to prove.

Notwithstanding, however, that the President thought the information obtained on the former occasion had cleared this privateer from any well-grounded cause of arrest, yet that which you have now offered opens the possibility that the former was defective. He has, therefore, desired new inquiry to be made before a magistrate legally authorized to administer an oath, and indifferent to both parties; and should the result be that the vessel did really make any military equipments in our ports, instructions will be given to reduce her to her original condition, whenever she shall again come into our ports.

On the whole, Sir, I hope you will perceive that on the first intimation through their own channel, and without waiting for information on your part, that a vessel was making military equipments at Baltimore, the Executive took the best measures for inquiring into the fact, in order to prevent or suppress such equipments; that an officer of high respectability was charged with the inquiry, and

that he made it with great diligence himself, and engaged similar inquiries on the part of your vice-consul; that neither of them could find that the privateer had made such equipments, or, of course, that there was any ground for reducing or detaining her; that at the date of your letter of Sep. 6, (the first information received from you,) the privateer was departed, had taken her prize, and that prize was arriving in port; that the new evidence taken ten days after that arrival can produce no other effect than the institution of a new inquiry, and a reduction of the force of the privateer, should she appear to have made any military alterations or augmentation, on her return into our ports, and that in no part of this proceeding is there the smallest ground for imputing either negligence or connivance to any of the officers who have acted in it.

I have the honor to be, with much respect, Sir, your most obedient and most humble servant.

TO MR. CIRACCHI, AT MUNICH.

PHILADELPHIA, November 14, 1793.

DEAR SIR,—I have received the favor of your letter of May 29, at Munich, and it was not till then that I knew to what place or through what channel to direct a letter to you. The assurances you receive that the monument of the President would be ordered at the new election, were founded in the expectation that he meant then to retire. The

turbid affairs of Europe, however, and the intercessions they produced, prevailed on him to act again, though with infinite reluctance. You are sensible that the moment of his retirement, kindling the enthusiasm for his character, the affections for his person, the recollection of his services, would be that in which such a tribute would naturally be resolved on. This, of course, is now put off to the end of the next bissextile; but whenever it arrives, your title to the execution is engraved in the minds of those who saw your works here. Your purpose, with respect to my bust, is certainly flattering to me. My family has entered so earnestly into it, that I must gratify them with the hope, and myself with the permission, to make a just indemnification to the author. I shall be happy at all times to hear from you, and to learn that your successes in life are as great as they ought to be. Accept assurances of my sincere respect and esteem.

TO JAMES MADISON.

GERMANTOWN, November 17, 1793.

DEAR SIR,—I have got good lodgings for Monroe and yourself, that is to say, a good room with a fireplace and two beds, in a pleasant and convenient position, with a quiet family. They will breakfast you, but you must mess in a tavern; there is a good one across the street. This is the way in which all must do, and all I think will not be able to get even

half beds. The President will remain here, I believe, till the meeting of Congress, merely to form a point of union for them before they can have acquired information and courage. For at present there does not exist a single subject in the disorder, no new infection having taken place since the great rains of the 1st of the month, and those before infected being dead or recovered. There is no doubt you will sit in Philadelphia, and, therefore, I have not given Monroe's letter to Sehal. I do not write to him, because I know not whether he is at present moving by sea or by land, and if by the latter, I presume you can communicate to him. Wayne has had a convoy of twenty-two wagons of provisions, and seventy men cut off fifteen miles in his rear by the Indians. Six of the men were found on the spot scalped, the rest supposed taken. He had nearly reached Fort Hamilton. R. has given notice that he means to resign. Genet, by more and more denials of powers to the President and ascribing them to Congress, is evidently endeavoring to sow tares between them, and at any event to curry favor with the latter, to whom he means to turn his appeal, finding it was not likely to be well received by the people. Accept both of you my sincere affection.

TO MR. SODERSTROM, CONSUL OF SWEDEN.

GERMANTOWN, November 20, 1793.

SIR,—I received last night your favor of the 16th. No particular rules have been established by the President for the conduct of Consuls with respect to prizes. In one particular case where a prize is brought into our ports by any of the *belligerent* parties, and is reclaimed of the Executive, the President has hitherto permitted the Consul of the captor to hold the prize until his determination is known. But in all cases respecting a neutral nation, their vessels are placed exactly on the same footing with our own, entitled to the same remedy from our courts of justice and the same protection from the Executive, as our own vessels in the same situation. The remedy in the courts of justice, the only one which they or our own can have access to, is slower than where it lies with the Executive, but it is more complete, as damages can be given by the Court but not by the Executive. The President will gladly avail himself of any information you can at any time give him where his interference may be useful to the vessels or subjects of his Danish Majesty, the desire of the United States being to extend to the vessels and subjects of that crown, as well as to those of his Swedish Majesty, the same protection as is given to those of our own citizens.

I have the honor to be, with much respect, Sir, your most obedient servant.

TO EDMOND C. GENET.

GERMANTOWN, November 22, 1793.

SIR,—In my letter of October the 2d, I took the liberty of noticing to you, that the commission of consul to M. Dannery, ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation, and whatever he communicates as such, they have a right and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, Sir, not authorized to enter into any discussions with you on the meaning of our Constitution in any part of it, or to prove to you that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you, that we were persuaded in the case of the consul Dannery, the error in the address had proceeded from no intention in the Executive Council of France to question the functions of the President, and, therefore, no difficulty was made in issuing the commissions. We are still under the same persuasion

But in your letter of the 14th instant, you *personally* question the authority of the President, and in consequence of that, have not addressed to him the commission of Messrs. Pennevert and Chervi. Making a point of this formality on your part, it becomes necessary to make a point of it on ours also; and I am, therefore, charged to return you those commissions, and to inform you, that bound to enforce respect to the order of things established by our Constitution, the President will issue no exequatur to any consul or vice-consul, not directed to him in the usual form, after the party from whom it comes has been apprized that such should be the address.

I have the honor to be, with respect, Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY, U. S. MINISTER TO GREAT BRITAIN.

GERMANTOWN, November 27, 1793.

DEAR SIR,—My last letters to you were of the 11th and 14th of September, since which I have received yours of July 5, 8, August 1, 15, 27, 28. The fever, which at that time had given alarm in Philadelphia, became afterwards far more destructive than had been apprehended, and continued much longer, from the uncommon drought and warmth of the autumn. On the first day of this month the President and Heads of the Departments assembled here. On that day, also, began the first rains which

had fallen for some months. They were copious, and from that moment the infection ceased, no new subject took it, and those before infected either died or got well, so that the disease terminated most suddenly. The inhabitants who had left the city, are now all returned, and business going on again as briskly as ever. The President will be established there in about a week, at which time Congress is to meet.

Our negotiations with the North-Western Indians have completely failed, so that war must settle our difference. We expected nothing else, and had gone into negotiations only to prove to all our citizens that peace was unattainable on terms which any one of them would admit.

You have probably heard of a great misunderstanding between Mr. Genet and us. On the meeting of Congress it will be made public. But as the details of it are lengthy, I must refer for them to my next letter, when possibly I may be able to send you the whole correspondence in print. We have kept it merely personal, convinced his nation will disapprove him. To them we have with the utmost assiduity given every proof of inviolate attachment. We wish to hear from you on the subject of Marquis de La Fayette, though we know that circumstances do not admit sanguine hopes.

The copper by the Sigon and the Mohawk is received. Our coinage of silver has been delayed by Mr. Cox's inability to give the security required by law.

I shall write to you again immediately after the meeting of Congress. I have the honor to be, with sentiments of great esteem and respect, dear Sir, your friend and servant.

TO EDMOND C. GENET.

PHILADELPHIA, November 30, 1793.

SIR,—I have laid before the President of the United States your letter of November 25th, and have now the honor to inform you, that most of its objects being beyond the powers of the Executive, they can only manifest their dispositions by acting on those which are within their powers. Instructions are accordingly sent to the District Attorneys of the United States, residing within States wherein French consuls are established, requiring them to inform the consuls of the nature of the provisions made by the laws for preventing, as well as punishing, injuries to their persons, and to advise and assist them in calling these provisions into activity, whenever the occasions for them shall arise.

It is not permitted by the law to prohibit the departure of the emigrants to St. Domingo, according to the wish you now express, any more than it was to force them away, according to that expressed by you in a former letter. Our country is open to all men, to come and go peaceably, when they choose; and your letter does not mention that these emigrants meant to depart armed, and equipped

for war. Lest, however, this should be attempted, the Governors of the States of Pennsylvania and Maryland are requested to have particular attention paid to the vessels named in your letter, and to see that no military expedition be covered or permitted under color of the right which the passengers have to depart from these States.

Provisions not being classed among the articles of contraband, in time of war, it is possible that American vessels may have carried them to the ports of Jeremie and La Mole, as they do to other dominions of the belligerent Powers; but, if they have carried arms also, these, as being contraband, might certainly have been stopped and confiscated.

In the letter of May 15th, to Mr. Ternant, I mentioned, that, in answer to the complaints of the British Minister, against the exportation of arms from the United States, it had been observed that the manufacture of arms was the occupation and livelihood of some of our citizens; that it ought not to be expected that a war among other nations should produce such an internal derangement of the occupations of a nation at peace, as the suppression of a manufacture which is the support of some of its citizens; but that, if they should export these arms to nations at war, they would be abandoned to the seizure and confiscation which the law of nations authorized to be made of them on the high seas. This letter was handed to you, and you were pleased, in yours of May 27th, expressly to approve of the

answer which had been given. On this occasion, therefore, we have only to declare, that the same conduct will be observed which was announced on that.

The proposition to permit all our vessels destined for any port in the French West India islands to be stopped, unless furnished with passports from yourself, is so far beyond the powers of the Executive, that it will be unnecessary to enumerate the objections to which it would be liable. I have the honor to be, etc.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, December 2, 1793.

Thomas Jefferson, with his respects to the President, has the honor to send him the letters and orders referred to in Mr. Morris' letter, except that of the 8th of April, which must be a mistake for some other date, as the records of the office perfectly establish that no letters were written to him in the months of March and April but those of March 12 and 15, and April 20 and 26, now enclosed. The enigma of Mr. Merlino is inexplicable by anything in his possession.

He encloses the message respecting France and Great Britain. He first wrote it fair as it was agreed the other evening at the President's. He then drew a line with a pen through the passages he proposes to alter, in consequence of subsequent information,

(but so lightly as to leave the passages still legible for the President,) and interlined the alterations he proposes. The overtures mentioned in the first alteration, are in consequence of its having been agreed that they should be mentioned in general terms only to the two houses. The numerous alterations made the other evening in the clause respecting our corn trade, with the hasty amendments proposed in the moment, had so much broken the tissue of the paragraph, as to render it necessary to new mould it. In doing this, care has been taken to use the same words as nearly as possible, and also to insert a slight reference to Mr. Pinckney's proceedings.

On a severe review of the question, whether the British communication should carry any such mark of being confidential, as to prevent the Legislature from publishing them, he is clearly of opinion they ought not. Will they be kept secret if secrecy is enjoined? certainly not, and all the offence will be given (if it be possible any should be given) which would follow their complete publication. If they would be kept secret, from whom would it be? from our own constituents only, for Great Britain is possessed of every tittle. Why, then, keep it secret from them? no ground of support for the Executive will ever be so sure as a complete knowledge of their proceedings by the people; and it is only in cases where the public good would be injured, and *because* it would be injured, that proceedings should be

secret. In such cases it is the duty of the Executive to sacrifice their personal interests (which would be promoted by publicity) to the public interest. If the negotiations with England are at an end, if not given to the public now, when are they to be given? and what moment can be so interesting? If anything amiss should happen from the concealment, where will the blame *originate* at last? It may be said, indeed, that the President *puts it in the power* of the Legislature to communicate these proceedings to *their constituents;* but is it more their duty to communicate them to their constituents, than it is the President's to communicate them to *his constituents?* And if they were desirous of communicating them, ought the President to restrain them by making the communication confidential? I think no harm can be done by the publication, because it is impossible England, after doing us an injury, should *declare war* against us, merely because we tell our constituents of it; and I think good may be done, because while it puts it in the power of the Legislature to adopt peaceable measures of doing ourselves justice, it prepares the minds of our constituents to go cheerfully into an acquiescence under the measures, by impressing them with a thorough and enlightened conviction that they are founded in right. The motive, too, of proving to the people the impartiality of the Executive between the two nations of France and England, urges strongly that while they are to see the disagreeable things which

have been going on as to France, we should not conceal from them what has been passing with England, and induce a belief that nothing has been doing.

TO EDMOND C. GENET.

PHILADELPHIA, December 9, 1793.

SIR,—I have to acknowledge the receipt of your letter of the 3d instant, which has been duly laid before the President.

We are very far from admitting your principle, that the government on either side has no other right, on the presentation of a consular commission, than to certify that, having examined it, they find it according to rule. The governments of both nations have a right, and that of yours has exercised it as to us, of considering the character of the person appointed; the place for which he is appointed, and other material circumstances; and of taking precautions as to his conduct, if necessary; and this does not defeat the general object of the convention, which, in stipulating that consuls shall be permitted on both sides, could not mean to supersede reasonable objections to particular persons, who might at the moment be obnoxious to the nation to which they were sent, or whose conduct might render them so at any time after. In fact, every foreign agent depends on the double will of the two governments, of that which sends him, and of that which is to

permit the exercise of his functions within their territory; and when either of these wills is refused or withdrawn, his authority to act within that territory becomes incomplete. By what member of the government the right of giving or withdrawing permission is to be exercised here, is a question on which no foreign agent can be permitted to make himself the umpire. It is sufficient for him, under our government, that he is informed of it by the executive.

On examination of the commissions from your nation, among our records, I find that before the late change in the form of our government, foreign agents were addressed sometimes to the United States, and sometimes to the Congress of the United States, that body being then executive as well as legislative. Thus the commissions of Messrs. L'Etombe, Holker, Daunemanis, Marbois, Crevecoeur, and Chateaufort, have all this clause: "Prions et requérons nos très chers et grands amis et alliés, les État Unis de l'Amérique septentrionale, leurs gouverneurs, et autres officiers, etc. de laisser jouir, etc. le dit sieur, etc. de la charge de notre consul," etc. On the change in the form of our government, foreign nations, not undertaking to decide to what member of the new government their agents should be addressed, ceased to do it to Congress, and adopted the general address to the United States, before cited. This was done by the government of your own nation, as appears by the commissions of Messrs.

Mangourit and La Forest, which have in them the clause before cited. So your own commission was, not as M. Gerond's and Luzerne's had been, "a nos très chers, etc. le President et membres du Congres general des Etats Unis," etc., but "a nos très chers, etc. les Etats Unis de l'Amerique," etc. Under this general address, the proper member of the government was included, and could take it up. When, therefore, it was seen in the commission of Messrs. Dupont and Hauterieve,that your Executive had returned to the ancient address to Congress, it was conceived to be an inattention, insomuch that I do not recollect (and I do not think it material enough to inquire) whether I noticed it to you either verbally or by letter. When that of M. Dannery was presented with the like address, being obliged to notice to you an inaccuracy of another kind, I then mentioned that of the address, not calling it an *innovation*, but expressing my satisfaction, which is still entire, that it was not from any design in your Executive Council. The exequatur was, therefore, sent. That they will not consider our notice of it as an innovation, we are perfectly secure. No government can disregard formalities more than ours. But when formalities are attacked with a view to change principles, and to introduce an entire independence of foreign agents on the nation with whom they reside, it becomes material to defend formalities. They would be no longer trifles, if they could, in defiance of the national will, continue a

foreign agent among us whatever might be his course of action. Continuing, therefore, the refusal to receive any commission from *yourself*, addressed to an improper member of the Government, you are left free to use either the general one to the United States, as in the commissions of Messrs. Mangourit and La Forest, before cited, or the special one, to the President of the United States.

I have the honor to be, with respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, December 11, 1793.

The President doubtless recollects the communications of Mr. Ternant expressing the dissatisfaction of the Executive Council of France with Mr. Morris, our Minister there, which, however, Mr. Ternant desired might be considered as informal; that Col. Smith also mentioned that dissatisfaction, and that Mr. Le Brun told him he would charge Mr. Genet expressly with their representations on this subject; and that all further consideration thereon lay over, therefore, for Mr. Genet's representations.

Mr. Genet, some time after his arrival (I cannot now recollect how long, but I think it was a month or more), coming to my house in the country one evening, joined me in a walk near the river. Our conversation was on various topics, and not at all of an official complexion. As we were returning to

the house, being then I suppose on some subject relative to his country (though really I do not recall to mind what it was), he turned about to me, just in the passage of the gate, and said, "but I must tell you, we all depend on you to send us a good Minister there, with whom we may do business confidentially, in the place of Mr. Morris." These are perhaps not the identical words, yet I believe they are nearly so; I am sure they are the substance, and he scarcely employed more in the expression. It was unexpected, and, to avoid the necessity of an extempore answer, I instantly said something resuming the preceding thread of conversation, which went on, and no more was said about Mr. Morris. From this, I took it for granted, he meant now to come forth formally with complaints against Mr. Morris, as we had been given to expect, and, therefore, I mentioned nothing of this little expression to the President. Time slipped along; I expecting his complaints, and he not making them. It was undoubtedly his office to bring forward his own business himself, and not at all mine, to hasten or call for it; and if it was not my duty, I could not be without reasons for not taking it on myself officiously. He at length went to New York, to wit, about the —— of —— without having done anything formally on this subject. I now became uneasy lest he should consider the little sentence he had uttered to me as effectually, though not regularly, a complaint; but the more I reflected on the

subject, the more impossible it seemed that he could have viewed it as such; and the rather, because, if he had, he would naturally have asked from time to time, "Well, what are you doing with my complaint with Mr. Morris?" or some question equivalent. But he never did. It is possible I may, at other times, have heard him speak unfavorably of Mr. Morris, though I do not recollect any particular occasion; but I am sure he never made to me any proposition to have him recalled. I believe I mentioned this matter to Mr. Randolph before I left Philadelphia: I know I did after my return; but I did not to the President till the receipt of Mr. Genet's letter of September 30, which, from some unaccountable delay of the post, never came to me in Virginia, though I remained there till October 25 (and received there three subsequent mails), and it never reached me in Philadelphia, till December 2.

The preceding is the state of this matter, as nearly as I can recollect it at this time, and I am sure it is not materially inaccurate in any point.

TO MR. CHURCH.

PHILADELPHIA, December 11, 1793.

SIR,—The President has received your letter of August 16, with its enclosures. It was with deep concern that he learned the unhappy fortunes of M. de La Fayette, and that he still learns his continuance under them. His friendship for him could

not fail to impress him with the desire of relieving him, and he was sure that in endeavoring to do this, he should gratify the sincere attachments of his fellow-citizens. He has accordingly employed such means as appeared the most likely to effect his purpose; though, under the existing circumstances, he could not be sanguine in their obtaining very immediately the desired effect. Conscious, however, that his anxieties for the sufferer flow from no motives unfriendly to those who feel an interest in his confinement, he indulges their continuance, and will not relinquish the hope that the reasons for this security will at length yield to those of a more benign character.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO GEORGE HAMMOND, MINISTER PLENIPOTENTIARY OF GREAT BRITAIN.

PHILADELPHIA, December 15, 1793.

SIR,—I am to acknowledge the honor of your letter of November 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures, which reason and practicability may dictate, for giving effect to the stipulations of our treaty, yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller con-

cern, and insisting on those matters only, which either justice to individuals or public policy renders indispensable; and in order to simplify our discussions, by defining precisely their objects, I have the honor to propose that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other, in contravention of the treaty. I shall set the example.

The provisional and definitive treaties, in their 7th article, stipulated that his "Britannic Majesty should, with all convenient speed, and without causing any destruction, or *carrying away any negroes, or other property,* of the American inhabitants, *withdraw all his armies, garrisons, and fleets, from the said United States,* and from every port, place, and harbor, within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn from Machilimackinac, on Lake Michigan; Detroit, on the strait of Lakes Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point Au-fer, and Dutchman's Point, on Lake Champlain.

2d. The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts; and

3d. They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary between the two nations.

By these proceedings, we have been intercepted entirely from the commerce of furs with the Indian nations, to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity of that expensive warfare we have been obliged to carry on with them, during the time that these posts have been in other hands.

On withdrawing the troops from New York, 1st. A large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part, for inspecting and superintending embarkations, had arrived there, and without any account ever rendered thereof. 2d. Near three thousand others were publicly carried away by the avowed order of the British commanding officer, and under the view, and against the remonstrances of our commissioners. 3d. A very great number were carried off in private vessels, if not by the express permission, yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners; and 4th. Of other species of property carried away, the commanding officer permitted no examination at all. In support of these facts, I have the honor to enclose you documents, a list of which will be subjoined, and in addition to them, I beg leave to refer to a roll signed by the joint

commissioners, and delivered to your commanding officer for transmission to his court, containing a description of the negroes publicly carried away by his order as before mentioned, with a copy of which you have doubtless been furnished.

A difference of opinion, too, having arisen as to the river intended by the plenipotentiaries to be the boundary between us and the dominions of Great Britain, and by them called the St. Croix, which name, it seems, is given to two different rivers, the ascertaining of this point becomes a matter of present urgency; it has heretofore been the subject of application from us to the Government of Great Britain.

There are other smaller matters between the two nations, which remain to be adjusted, but I think it would be better to refer these for settlement through the ordinary channel of our ministers, than to embarrass the present important discussions with them; they can never be obstacles to friendship and harmony.

Permit me now, Sir, to ask from you a specification of the particular acts, which, being considered by his Britannic Majesty as a non-compliance on our part with the engagement contained in the 4th, 5th, and 6th articles of the treaty, induced him to suspend the execution of the 7th, and render a separate discussion of them inadmissible. And accept assurances, etc.

TO EDMUND RANDOLPH, ATTORNEY GENERAL OF THE UNITED STATES.

PHILADELPHIA, December 18, 1793.

SIR,—The Minister Plenipotentiary of France has enclosed to me a copy of a letter of the 16th instant, which he addressed to you, stating that some libellous publications had been made against him by Mr. Jay, Chief Justice of the United States, and Mr. King, one of the Senators for the State of New York, and desiring that they might be prosecuted. This letter has been laid before the President, according to the request of the Minister; and the President, never doubting your readiness on all occasions to perform the functions of your office, yet thinks it incumbent on him to recommend it specially on the present occasion, as it concerns a public character peculiarly entitled to the protection of the laws. On the other hand, as our citizens ought not to be vexed with groundless prosecutions, duty to them requires it to be added, that if you judge the prosecution in question to be of that nature, you consider this recommendation as not extending to it; its only object being to engage you to proceed in this case according to the duties of your office, the laws of the land, and the privileges of the parties concerned.

I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO THE GOVERNOR OF SOUTH CAROLINA.

PHILADELPHIA, December 23, 1793.

SIR,—It is my duty to communicate to you a piece of information, although I cannot say I have confidence in it myself. A French gentleman, one of the refugees from St. Domingo, informs me that two Frenchmen, from St. Domingo also, of the names of Castaing and La Chaise, are about setting out from this place for Charleston, with a design to excite an insurrection among the negroes. He says that this is in execution of a general plan, formed by the Brissotine party at Paris, the first branch of which has been carried into execution at St. Domingo. My informant is a person with whom I am well acquainted, of good sense, discretion and truth, and certainly believes this himself. I inquired of him the channel of his information. He told me it was one which had given them many pre-admonitions in St. Domingo, and which had never been found to be mistaken. He explained it to me; but I could by no means consider it as a channel meriting reliance; and when I questioned him what could be the impulse of these men, what their authority, what their means of execution, and what they could expect in result; he answered with conjectures which were far from sufficient to strengthen the fact. However, were anything to happen, I should deem myself inexcusable not to have made the communication. Your judgment will decide whether injury

might not be done by making the suggestion public, or whether it ought to have any other effect than to excite attention to these two persons, should they come into South Carolina. Castaing is described as a small dark mulatto, and La Chaise as a Quarteron, of a tall fine figure.

I have the honor to be, with great respect, your Excellency's most obedient, and most humble servant.

TO DR. EDWARDS.

PHILADELPHIA, December 30, 1793.

DEAR SIR,—I have to acknowledge the receipt of your two favors of July 30th and August 16th, and thank you for the information they contained. We have now assembled a new Congress, being a fuller and more equal representation of the people, and likely, I think, to approach nearer to the sentiments of the people in the demonstration of their own. They have the advantage of a very full communication from the Executive of the ground on which we stand with foreign nations. Some very unpleasant transactions have taken place here with Mr. Genet, of which the world will judge, as the correspondence is now in the press; as is also that with Mr. Hammond on our points of difference with his nation. Of these you will doubtless receive copies. Had they been out yet, I should have had the pleasure of sending them to you; but to-morrow

I resign my office, and two days after set out for Virginia, where I hope to spend the remainder of my days in occupations infinitely more pleasing than those to which I have sacrificed eighteen years of the prime of my life; I might rather say twenty-four of them. Our campaign with the Indians has been lost by an unsuccessful effort to effect peace by treaty, which they protracted till the season for action was over. The attack brought on us from the Algerines is a ray from the same centre. I believe we shall endeavor to do ourselves justice in a peaceable and rightful way. We wish to have nothing to do in the present war; but if it is to be forced upon us, I am happy to see in the countenances of all but our paper men a mind ready made up to meet it, unwillingly, indeed, but perfectly without fear. No nation has strove more than we have done to merit the peace of all by the most rigorous impartiality to all. Sir John Sinclair's queries shall be answered from my retirement. I am, with great esteem, dear Sir, your most obedient servant.

TO EDMOND C. GENET.

PHILADELPHIA, December 31, 1793.

SIR,—I have laid before the President of the United States your letter of the 20th instant, accompanying translations of the instructions given you by the Executive Council of France to be distributed

among the members of Congress, desiring that the President will lay them officially before both houses, and proposing to transmit successively other papers, to be laid before them in like manner; and I have it in charge to observe, that your functions as the missionary of a foreign nation here, are confined to the transactions of the affairs of your nation with the Executive of the United States; that the communications, which are to pass between the Executive and Legislative branches, cannot be a subject for your interference, and that the President must be left to judge for himself what matters his duty or the public good may require him to propose to the deliberations of Congress. I have, therefore, the honor of returning you the copies sent for distribution, and of being, with great respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, December 31, 1793.

DEAR SIR,—Having had the honor of communicating to you in my letter of the last of July, my purpose of returning from the office of Secretary of State, at the end of the month of September, you were pleased, for particular reasons, to wish its postponement to the close of the year. That term being now arrived, and my propensities to retirement becoming daily more and more irresistible, I now take the liberty of resigning the office into your

hands. Be pleased to accept with it my sincere thanks for all the indulgences which you have been so good as to exercise towards me in the discharge of its duties. Conscious that my need of them has been great, I have still ever found them greater, without any other claim on my part, than a firm pursuit of what has appeared to me to be right, and a thorough disdain of all means which were not as open and honorable, as their object was pure. I carry into my retirement a lively sense of your goodness, and shall continue gratefully to remember it. With very sincere prayers for your life, health and tranquillity, I pray you to accept the homage of the great and constant respect and attachment with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO EDMUND RANDOLPH.

MONTICELLO, February 3, 1794.

DEAR SIR,—I have to thank you for the transmission of the letters from General Gates, La Motte, and Hauterieve. I perceive by the latter, that the partisans of the one or the other principle (perhaps of both) have thought my name a convenient cover for declarations of their own sentiments. What those are to which Hauterieve alludes, I know not, having never seen a newspaper since I left Philadelphia (except those of Richmond), and no circumstances authorize him to expect that I should inquire

into them, or answer him. I think it is Montaigne who has said, that ignorance is the softest pillow on which a man can rest his head. I am sure it is true as to everything political, and shall endeavor to estrange myself to everything of that character. I indulge myself on one political topic only, that is, in declaring to my countrymen the shameless corruption of a portion of the Representatives to the first and second Congresses, and their implicit devotion to the treasury. I think I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend.

I am sorry La Motte has put me to the expense of one hundred and forty livres for a French translation of an English poem, as I make it a rule never to read translations where I can read the original. However, the question now is, how to get the book brought here, as well as the communications with Mr. Hammond, which you were so kind as to promise me.

* * * * * * * * *

This is the first letter I have written to Philadelphia since my arrival at home, and yours the only ones I have received.

Accept assurances of my sincere esteem and respect. Yours affectionately.

TO JAMES MADISON.

MONTICELLO, April 3, 1794.

DEAR SIR,—Our post having ceased to ride ever since the inoculation began in Richmond, till now, I received three days ago, and all together, your friendly favors of March the 2d, 9th, 12th, 14th, and Colonel Monroe's of March the 3d and 16th. I have been particularly gratified by the receipt of the papers containing yours and Smith's discussion of your regulating propositions. These debates had not been seen here but in a very short and mutilated form. I am at no loss to ascribe Smith's speech to its true father. Every tittle of it is Hamilton's except the introduction. There is scarcely anything there which I have not heard from him in our various private though official discussions. The very turn of the arguments is the same, and others will see as well as myself that the style is Hamilton's. The sophistry is too fine, too ingenious, even to have been comprehended by Smith, much less devised by him. His reply shows he did not understand his first speech; as its general inferiority proves its legitimacy, as evidently as it does the bastardy of the original. You know we had understood that Hamilton had prepared a counter report, and that some of his humble servants in the Senate were to move a reference to him in order to produce it. But I suppose they thought it would have a better effect if fired off in the House of Represen-

tatives. I find the report, however, so fully justified, that the anxieties with which I left it are perfectly quieted. In this quarter, all espouse your propositions with ardor, and without a dissenting voice.

The rumor of a declaration of war has given an opportunity of seeing, that the people here, though attentive to the loss of value of their produce in such an event, yet find in it a gratification of some other passions, and particularly of their ancient hatred to Great Britain. Still, I hope it will not come to that; but that the proposition will be carried, and justice be done ourselves in a peaceable way. As to the guarantee of the French islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt but that we ought to interpose at a proper time, and declare both to England and France that these islands are to rest with France, and that we will make a common cause with the latter for that object. As to the naval armament, the land armament, and the marine fortifications which are in question with you, I have no doubt they will all be carried. Not that the monocrats and paper men in Congress want war; but they want armies and debts; and though we may hope that the sound part of Congress is now so augmented as to insure a majority in cases of general interest merely, yet I have always observed that in questions of expense, where members may hope either for offices or jobs for themselves or their friends,

some few will be debauched, and that is sufficient to turn the decision where a majority is, at most, but small. I have never seen a Philadelphia paper since I left it, till those you enclosed me; and I feel myself so thoroughly weaned from the interest I took in the proceedings there, while there, that I have never had a wish to see one, and believe that I never shall take another newspaper of any sort. I find my mind totally absorbed in my rural occupations.

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Accept sincere assurances of affection.

TO GEORGE WASHINGTON.

MONTICELLO, April 25, 1794.

DEAR SIR,—I am to thank you for the book you were so good as to transmit me, as well as the letter covering it, and your felicitations on my present quiet. The difference of my present and past situation is such as to leave me nothing to regret, but that my retirement has been postponed four years too long. The principles on which I calculated the value of life, are entirely in favor of my present course. I return to farming with an ardor which I scarcely knew in my youth, and which has got the better entirely of my love of study. Instead of writing ten or twelve letters a day, which I have been in the habit of doing as a thing in course, I put off answering my letters now, farmer-like, till a rainy day, and then find them sometimes postponed by other neces-

sary occupations. The case of the Pays de Vaud is new to me. The claims of both parties are on grounds which, I fancy, we have taught the world to set little store by. The rights of one generation will scarcely be considered hereafter as depending on the paper transactions of another. My countrymen are groaning under the insults of Great Britain. I hope some means will turn up of reconciling our faith and honor with peace. I confess to you I have seen enough of one war never to wish to see another. With wishes of every degree of happiness to you, both public and private, and with my best respects to Mrs. Adams, I am, your affectionate and humble servant.

TO TENCH COXE.

MONTICELLO, May 1, 1794.

DEAR SIR,—Your several favors of February the 22d, 27th, and March the 16th, which had been accumulating in Richmond during the prevalence of the smallpox in that place, were lately brought to me, on the permission given the post to resume his communication. I am particularly to thank you for your favor in forwarding the Bee. Your letters give a comfortable view of French affairs, and later events seem to confirm it. Over the foreign powers I am convinced they will triumph completely, and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants, is destined,

in order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness, and to bring at length, kings, nobles and priests to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatoes. I have so completely withdrawn myself from these spectacles of usurpation and misrule, that I do not take a single newspaper, nor read one a month; and I feel myself infinitely the happier for it.

We are alarmed here with the apprehensions of war; and sincerely anxious that it may be avoided; but not at the expense either of our faith or honor. It seems much the general opinion here, the latter has been too much wounded not to require reparation, and to seek it even in war, if that be necessary. As to myself, I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, Mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, and then the experiment will have been a happy one. I believe this war would be

vastly more unanimously approved than any one we ever were engaged in; because the aggressions have been so wanton and bare-faced, and so unquestionably against our desire. I am sorry Mr. Cooper and Priestly did not take a more general survey of our country before they fixed themselves. I think they might have promoted their own advantage by it, and have aided the introduction of improvement where it is more wanting. The prospect of wheat for the ensuing year is a bad one. This is all the sort of news you can expect from me. From you I shall be glad to hear all sort of news, and particularly any improvements in the arts applicable to husbandry or household manufacture.

I am, with very sincere affection, dear Sir, your friend and servant.

TO GEORGE WASHINGTON.

MONTICELLO, May 14, 1794.

DEAR SIR,—I am honored with your favor of April the 24th, and received, at the same time, Mr. Bertrand's agricultural prospectus. Though he mentions my having seen him at a particular place, yet I remember nothing of it, and observing that he intimates an application for lands in America, I conceive his letter meant for me as Secretary of State, and therefore I now send it to the Secretary of State. He has given only the heads of his demonstrations, so that nothing can be conjectured of

their details. Lord Kaims once proposed an essence of dung, one pint of which should manure an acre. If he or Mr. Bertrand could have rendered it so portable, I should have been one of those who would have been greatly obliged to them. I find on a more minute examination of my lands than the short visits heretofore made to them permitted, that a ten years' abandonment of them to the ravages of overseers, has brought on them a degree of degradation far beyond what I had expected. As this obliges me to adopt a milder course of cropping, so I find that they have enabled me to do it, by having opened a great deal of lands during my absence. I have therefore determined on a division of my farm into six fields, to be put under this rotation: first year, wheat; second, corn, potatoes, peas; third, rye or wheat, according to circumstances; fourth and fifth, clover where the fields will bring it, and buckwheat dressings where they will not; sixth, folding, and buckwheat dressings. But it will take me from three to six years to get this plan under way. I am not yet satisfied that my acquisition of overseers from the head of Elk has been a happy one, or that much will be done this year towards rescuing my plantations from their wretched condition. Time, patience and perseverance must be the remedy; and the maxim of your letter, "slow and sure," is not less a good one in agriculture than in politics. I sincerely wish it may extricate us from the event of a war, if this can be done saving our faith and

our rights. My opinion of the British government is, that nothing will force them to do justice but the loud voice of their people, and that this can never be excited but by distressing their commerce. But I cherish tranquillity too much, to suffer political things to enter my mind at all. I do not forget that I owe you a letter for Mr. Young; but I am waiting to get full information. With every wish for your health and happiness, and my most friendly respects for Mrs. Washington, I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

MONTICELLO, May 15, 1794.

DEAR SIR,—I wrote you on the 3d of April, and since that have received yours of March 24, 26, 31, April 14 and 28, and yesterday I received Colonel Monroe's of the 4th instant, informing me of the failure of the Non-importation Bill in the Senate. This body was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people also; and in my opinion are heaping coals of fire, not only on their persons, but on their body, as a branch of the Legislature. I have never known a measure more universally desired by the people than the passage of that bill. It is not from my own observation of the wishes of the people that

I would decide what they are, but from that of the gentlemen of the bar, who move much with them, and by their intercommunications with each other, have, under their view, a greater portion of the country than any other description of men. It seems that the opinion is fairly launched into public that they should be placed under the control of a more frequent recurrence to the will of their constituents. This seems requisite to complete the experiment, whether they do more harm or good. I wrote lately to Mr. Taylor for the pamphlet on the bank. Since that I have seen the "Definition of Parties," and must pray you to bring it for me. It is one of those things which merits to be preserved. The safe arrival of my books at Richmond, and some of them at home, has relieved me from anxiety, and will not be indifferent to you. It turns out that our fruit has not been as entirely killed as was at first apprehended; some latter blossoms have yielded a small supply of this precious refreshment. I was so improvident as never to have examined at Philadelphia whether negro cotton and oznabergs can be had there; if you do not already possess the information, pray obtain it before you come away. Our spring has, on the whole, been seasonable; and the wheat as much recovered as its thinness would permit; but the crop must still be a miserable one. There would not have been seed made but for the extraordinary rains of the last month. Our highest heat as yet has been 83°, this was on the 4th instant.

That Blake should not have been arrived at the date of your letter, surprises me; pray inquire into that fact before you leave Philadelphia. According to Colonel Monroe's letter this will find you on the point of departure. I hope we shall see you here soon after your return. Remember me affectionately to Colonel and Mrs. Monroe, and accept the sincere esteem of, dear Sir, your sincere friend and servant.

TO THE SECRETARY OF STATE.

MONTICELLO, September 7, 1794.

DEAR SIR,—Your favor of August the 28th finds me in bed, under a paroxysm of the rheumatism which has now kept me for ten days in constant torment, and presents no hope of abatement. But the express and the nature of the case requiring immediate answer, I write to you in this situation. No circumstances, my dear Sir, will ever more tempt me to engage in any thing public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments, and a thousand more to him, which my situation does not permit me to go into. But however suffering

by the addition of every single word to this letter, I must add a solemn declaration that neither Mr. J. nor Mr. —— ever mentioned to me one word of any want of decorum in Mr. Carmichael, nor anything stronger or more special than stated in my notes of the conversation. Excuse my brevity, my dear Sir, and accept assurances of the sincere esteem and respect with which I have the honor to be, your affectionate friend and servant.

TO WILSON NICHOLAS, ESQ.

MONTICELLO, November 22, 1794.

SIR,—I take the liberty of enclosing for your perusal and consideration a proposal from a Mr. D'Ivernois, a Genevan, of considerable distinction for science and patriotism, and that, too, of the republican kind, though you will see that he does not carry it so far as our friends of the National Assembly of France. While I was at Paris, I knew him as an exile from his democratic principles, the aristocracy having then the upper hand in Geneva. He is now obnoxious to the democratic party. The sum of his proposition is to translate the academy of Geneva in a body to this country. You know well that the colleges of Edinburgh and Geneva, as seminaries of science, are considered as the two eyes of Europe; while Great Britain and America give the preference to the former, and all other countries give it to the latter. I am fully sensible that two

powerful obstacles are in the way of this proposition. 1st. The expense: 2d. The communication of science in foreign languages; that is to say, in French and Latin; but I have been so long absent from my own country as to be an incompetent judge either of the force of the objections, or of the dispositions of those who are to decide on them. The respectability of Mr. D'Ivernois' character, and that, too, of the proposition, require an answer from me, and that it should be given on due inquiry. He desires secrecy to a certain degree for the reasons which he explains. What I have to request of you, my dear Sir, is, that you will be so good as to consider his proposition, to consult on its expediency and practicability with such gentlemen of the Assembly as you think best, and take such other measures as you shall think best to ascertain what would be the sense of that body, were the proposition to be hazarded to them. If yourself and friends approve of it, and there is hope that the Assembly would do so, your zeal for the good of our country in general, and the promotion of science, as an instrument towards that, will, of course, induce you to aid them to bring it forward in such a way as you shall judge best. If, on the contrary, you disapprove of it yourselves, or think it would be desperate with the Assembly, be so good as to return it to me with such information as I may hand forward to Mr. D'Ivernois, to put him out of suspense. Keep the matter by all means out of the public papers, and particularly,

if you please, do not couple my name with the proposition if brought forward, because it is much my wish to be in nowise implicated in public affairs. It is necessary for me to appeal to all my titles for giving you this trouble, whether founded in representation, patriotism or friendship. The latter, however, as the broadest, is that on which I wish to rely, being with sentiments of very cordial esteem, dear Sir, your sincere friend and humble servant.

TO JAMES MADISON.

MONTICELLO, December 28, 1794.

DEAR SIR,—I have kept Mr. Jay's letter a post or two, with an intention of considering attentively the observation it contains; but I have really now so little stomach for anything of that kind, that I have not resolution enough even to endeavor to understand the observations. I therefore return the letter, not to delay your answer to it, and beg you in answering for yourself, to assure him of my respects and thankful acceptance of Chalmers' Treaties, which I do not possess, and if you possess yourself of the scope of his reasoning, make any answer to it you please for me. If it had been on the rotation of my crops, I would have answered myself, lengthily perhaps, but certainly *con gusto*.

The denunciation of the democratic societies is one of the extraordinary acts of boldness of which we have seen so many from the faction of monocrats.

It is wonderful indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing and publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the republican principles of our Constitution, and the society of the Cincinnati, *a self-created* one, carving out for itself hereditary distinctions, lowering over our Constitution eternally, meeting together in all parts of the Union, periodically, with closed doors, accumulating a capital in their separate treasury, corresponding secretly and regularly, and of which society the very persons denouncing the democrats are themselves the fathers, founders and high officers. Their sight must be perfectly dazzled by the glittering of crowns and coronets, not to see the extravagance of the proposition to suppress the friends of general freedom, while those who wish to confine that freedom to the few, are permitted to go on in their principles and practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe, that as far as the circle of my observation and information extends, everybody has lost sight of them, and views the abstract attempt on their natural and constitutional rights in all its nakedness. I have

never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the excise law, it appears to me that you are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been anything more than riotous. There was indeed a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination; but we shall see, I suppose, what the court lawyers, and courtly judges, and would-be ambassadors will make of it. The excise law is an infernal one. The first error was to admit it by the Constitution; the second, to act on that admission; the third and last will be, to make it the instrument of dismembering the Union, and setting us all afloat to choose what part of it we will adhere to. The information of our militia, returned from the westward, is uniform, that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that one thousand men could have cut off their whole force in a thousand places of the Alleghany; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; and that a separation which perhaps was a very distant and problematical event, is now near, and

certain, and determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends; of adding a million to the public debt and deriding us with recommendations to pay it if we can etc., etc. But the part of the speech which was to be taken as a justification of the armament, reminded me of parson Saunders' demonstration why *minus* into *minus* make *plus*. After a parcel of shreds of stuff from Æsop's fables and Tom Thumb, he jumps all at once into his *ergo*, *minus* multiplied into *minus* make *plus*. Just so the fifteen thousand men enter after the fables, in the speech.

However, the time is coming when we shall fetch up the leeway of our vessel. The changes in your House, I see, are going on for the better, and even the Augean herd over your heads are slowly purging off their impurities. Hold on then, my dear friend, that we may not shipwreck in the meanwhile. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement; but this must not be, unless to a more splendid and a more efficacious post. There I should rejoice to see you; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double

delicacies have kept me silent. I ought perhaps to say, while I would not give up my own retirement for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle.

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Present me respectfully to Mrs. Madison, and pray her to keep you where you are for her own satisfaction and the public good, and accept the cordial affections of us all. Adieu.

TO MONSIEUR D'IVERNOIS.

MONTICELLO, February 6, 1795.

DEAR SIR,—Your several favors on the affairs of Geneva found me here, in the month of December last. It is now more than a year that I have withdrawn myself from public affairs, which I never liked in my life, but was drawn into by emergencies which threatened our country with slavery, but ended in establishing it free. I have returned, with infinite appetite, to the enjoyment of my farm, my family and my books, and had determined to meddle in nothing beyond their limits. Your proposition, however, for transplanting the college of Geneva to my own county, was too analogous to all my attachments to science, and freedom, the

first-born daughter of science, not to excite a lively interest in my mind, and the essays which were necessary to try its practicability. This depended altogether on the opinions and dispositions of our State legislature, which was then in session. I immediately communicated your papers to a member of the legislature, whose abilities and zeal pointed him out as proper for it, urging him to sound as many of the leading members of the legislature as he could, and if he found their opinions favorable, to bring forward the proposition; but if he should find it desperate, not to hazard it; because I thought it best not to commit the honor either of our State or of your college, by an useless act of eclat. It was not till within these three days that I have had an interview with him, and an account of his proceedings. He communicated the papers to a great number of the members, and discussed them maturely, but privately, with them. They were generally well-disposed to the proposition, and some of them warmly; however, there was no difference of opinion in the conclusion, that it could not be effected. The reasons which they thought would with certainty prevail against it, were 1, that our youth, not familiarized but with their mother tongue, were not prepared to receive instructions in any other; 2, that the expense of the institution would excite uneasiness in their constituents, and endanger its permanence; and 3, that its extent was disproportioned to the narrow state of the

population with us. Whatever might be urged on these several subjects, yet as the decision rested with others, there remained to us only to regret that circumstances were such, or were thought to be such, as to disappoint your and our wishes.

I should have seen with peculiar satisfaction the establishment of such a mass of science in my country, and should probably have been tempted to approach myself to it, by procuring a residence in its neighborhood, at those seasons of the year at least when the operations of agriculture are less active and interesting. I sincerely lament the circumstances which have suggested this emigration. I had hoped that Geneva was familiarized to such a degree of liberty, that they might without difficulty or danger fill up the measure to its *maximum;* a term, which, though in the insulated man, bounded only by his natural powers, must, in society, be so far restricted as to protect himself against the evil passions of his associates, and consequently, them against him. I suspect that the doctrine, that small States alone are fitted to be republics, will be exploded by experience, with some other brilliant fallacies accredited by Montesquieu and other political writers. Perhaps it will be found, that to obtain a just republic (and it is to secure our just rights that we resort to government at all) it must be so extensive as that local egoisms may never reach its greater part; that on every particular question, a majority may be found in its

councils free from particular interests, and giving, therefore, an uniform prevalence to the principles of justice. The smaller the societies, the more violent and more convulsive their schisms. We have chanced to live in an age which will probably be distinguished in history, for its experiments in government on a larger scale than has yet taken place. But we shall not live to see the result. The grosser absurdities, such as hereditary magistracies, we shall see exploded in our day, long experience having already pronounced condemnation against them. But what is to be the substitute? This our children or grandchildren will answer. We may be satisfied with the certain knowledge that none can ever be tried, so stupid, so unrighteous, so oppressive, so destructive of every end for which honest men enter into government, as that which their forefathers had established, and their fathers alone venture to tumble headlong from the stations they have so long abused. It is unfortunate, that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, and even with crimes. But while we weep over the means, we must pray for the end.

But I have been insensibly led by the general complexion of the times, from the particular case of Geneva, to those to which it bears no similitude. Of that we hope good things. Its inhabitants must be too much enlightened, too well experienced in

the blessings of freedom and undisturbed industry, to tolerate long a contrary state of things. I should be happy to hear that their government perfects itself, and leaves room for the honest, the industrious and wise; in which case, your own talents, and those of the persons for whom you have interested yourself, will, I am sure, find welcome and distinction. My good wishes will always attend you, as a consequence of the esteem and regard with which I am, dear Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

MONTICELLO, April 27, 1795.

DEAR SIR,—Your letter of March the 23d came to hand the 7th of April, and notwithstanding the urgent reasons for answering a part of it immediately, yet as it mentioned that you would leave Philadelphia within a few days, I feared that the answer might pass you on the road. A letter from Philadelphia by the last post having announced to me your leaving that place the day preceding its date, I am in hopes this will find you in Orange. In mine, to which yours of March the 23d was an answer, I expressed my hope of the only change of position I ever wished to see you make, and I expressed it with entire sincerity, because there is not another person in the United States, who being placed at the helm of our affairs, my mind would be so completely at rest for the fortune of our political bark.

The wish, too, was pure, and unmixed with anything respecting myself personally.

For as to myself, the subject had been thoroughly weighed and decided on, and my retirement from office had been meant from all office high or low, without exception. I can say, too, with truth, that the subject had not been presented to my mind by any vanity of my own. I know myself and my fellow-citizens too well to have ever thought of it. But the idea was forced upon me by continual insinuations in the public papers, while I was in office. As all these came from a hostile quarter, I knew that their object was to poison the public mind as to my motives, when they were not able to charge me with facts. But the idea being once presented to me, my own quiet required that I should face it and examine it. I did so thoroughly, and had no difficulty to see that every reason which had determined me to retire from the office I then held, operated more strongly against that which was insinuated to be my object. I decided then on those general grounds which could alone be present to my mind at the time, that is to say, reputation, tranquillity, labor; for as to public duty, it could not be a topic of consideration in my case. If these general considerations were sufficient to ground a firm resolution never to permit myself to think of the office, or to be thought of for it, the special ones which have supervened on my retirement, still more insuperably bar the door to it. My health is entirely

broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound if taken care of, but capable of considerable dangers if longer neglected; and above all things, the delights I feel in the society of my family, and in the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days has long since evaporated, and I set still less store by a posthumous than present name. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future discussion, or that I may be reasoned out of it. The question is forever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter (and I could not with decency do it before), of preventing any division or loss of votes, which might be fatal to the republican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be, is a question I can more freely discuss with anybody than yourself. In this I painfully feel the loss of Monroe. Had he been here, I should have been at no loss for a channel through which to make myself understood; if I have been misunderstood by anybody through the instrumentality of Mr. Fenno and his abettors. I long to see you. I am proceeding in my agricultural plans with a slow but sure step. To get under full way will require four

or five years. But patience and perseverance will accomplish it. My little essay in red clover, the last year, has had the most encouraging success. I sowed then about forty acres. I have sowed this year about one hundred and twenty, which the rain now falling comes very opportunely on. From one hundred and sixty to two hundred acres, will be my yearly sowing. The seed-box described in the agricultural transactions of New York, reduces the expense of seeding from six shillings to two shillings and three pence the acre, and does the business better than is possible to be done by the human hand. May we hope a visit from you? If we may, let it be after the middle of May, by which time I hope to be returned from Bedford. I have had a proposition to meet Mr. Henry there this month, to confer on the subject of a convention, to the calling of which he is now become a convert. The session of our district court furnished me a just excuse for the time; but the impropriety of my entering into consultation on a measure in which I would take no part, is a permanent one.

Present my most respectful compliments to Mrs. Madison, and be assured of the warm attachment of, dear Sir, yours affectionately

TO WILLIAM B. GILES.

MONTICELLO, April 27, 1795.

DEAR SIR,—Your favor of the 16th came to hand by the last post. I sincerely congratulate you on the great prosperities of our two first allies, the French and Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for awhile, to go and hail the dawn of liberty and republicanism in that island. I shall be rendered very happy by the visit you promise me. The only thing wanting to make me completely so, is the more frequent society of my friends. It is the more wanting, as I am become more firmly fixed to the globe. If you visit me as a farmer, it must be as a condisciple: for I am but a learner; an eager one indeed, but yet desperate, being too old now to learn a new art. However, I am as much delighted and occupied with it, as if I was the greatest adept. I shall talk with you about it from morning till night, and put you on very short allowance as to political aliment. Now and then a pious ejaculation for the French and Dutch republicans, returning with due despatch to clover, potatoes, wheat, etc. That I may not lose the pleasure promised me, let it not be till the middle of May, by which time I shall be returned from a trip I meditated to Bedford. Yours affectionately.

TO MANN PAGE.

MONTICELLO, August 30, 1795.

It was not in my power to attend at Fredericksburg according to the kind invitation in your letter, and in that of Mr. Ogilvie. The heat of the weather, the business of the farm, to which I have made myself necessary, forbade it; and to give one round reason for all, *mature sanus*, I have laid up my Rosinante in his stall, before his unfitness for the road shall expose him faultering to the world. But why did not I answer you in time? Because, in truth, I am encouraging myself to grow lazy, and I was sure you would ascribe the delay to anything sooner than a want of affection or respect to you, for this was not among the possible causes. In truth, if anything could ever induce me to sleep another night out of my own house, it would have been your friendly invitation and my solicitude for the subject of it, the education of our youth. I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right: for nothing can keep it right but their own vigilant and distrustful superintendence. I do not believe with the Rochefoucaults and Montaignes, that fourteen out of fifteen men are rogues: I believe a great abatement from that proportion may be made in

favor of general honesty. But I have always found that rogues would be uppermost, and I do not know that the proportion is too strong for the higher orders, and for those who, rising above the swinish multitude, always contrive to nestle themselves into the places of power and profit. These rogues set out with stealing the people's good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the country is in considerable fermentation, on what they suspect to be a recent roguery of this kind. They say that while all hands were below deck mending sails, splicing ropes, and every one at his own business, and the captain in his cabin attending to his log book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty. For my part, I consider myself now but as a passenger, leaving the world and its government to those who are likely to live longer in it. That you may be among the longest of these, is my sincere prayer. After begging you to be the bearer of my compliments and apologies to Mr. Ogilvie, I bid you an affectionate farewell, always wishing to hear from you.

TO H. TAZEWELL, ESQ.

MONTICELLO, September 13, 1795.

DEAR SIR,—I ought much sooner to have acknowledged your obliging attention in sending me a copy of the treaty. It was the first we received in this part of the country. Though I have interdicted myself all serious attention to political matters, yet a very slight notice of that in question sufficed to decide my mind against it. I am not satisfied we should not be better without treaties with any nation. But I am satisfied we should be better without such as this. The public dissatisfaction too and dissention it is likely to produce, are serious evils. I am not without hope that the operations on the 12th article may render a recurrence to the Senate yet necessary, and so give to the majority an opportunity of correcting the error into which their exclusion of public light has led them. I hope also that the recent results of the English will at length awaken in our Executive that sense of public honor and spirit, which they have not lost sight of in their proceedings with other nations, and will establish the eternal truth that acquiescence under insult is not the way to escape war. I am with great esteem, dear Sir, your most obedient humble servant.

TO JAMES MADISON.

MONTICELLO, September 21, 1795.

I received about three weeks ago, a box containing six dozen volumes, of two hundred and eighty-three pages, 12 mo, with a letter from Lambert, Beckley's clerk, that they came from Mr. Beckley, and were to be divided between yourself, J. Walker, and myself. I have sent two dozen to J. Walker, and shall be glad of a conveyance for yours. In the meantime, I send you by post, the title page, table of contents, and one of the pieces, Curtius, lest it should not have come to you otherwise. It is evidently written by Hamilton, giving a first and general view of the subject, that the public mind might be kept a little in check, till he could resume the subject more at large from the beginning, under his second signature of Camillus. The piece called "The Features of the Treaty," I do not send, because you have seen it in the newspapers. It is said to be written by Coxe, but I should rather suspect, by Beckley. The antidote is certainly not strong enough for the poison of Curtius. If I had not been informed the present came from Beckley, I should have suspected it from Jay or Hamilton. I gave a copy or two, by way of experiment, to honest, sound-hearted men of common understanding, and they were not able to parry the sophistry of Curtius. I have ceased therefore, to give them. Hamilton is really a colossus to the anti-republican party.

Without numbers, he is an host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents and indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself who can meet him. His adversaries having begun the attack, he has the advantage of answering them, and remains unanswered himself. A solid reply might yet completely demolish what was too feebly attacked, and has gathered strength from the weakness of the attack. The merchants were certainly (except those of them who are English) as open mouthed at first against the treaty, as any. But the general expression of indignation has alarmed them for the strength of the government. They have feared the shock would be too great, and have chosen to tack about and support both treaty and government, rather than risk the government. Thus it is, that Hamilton, Jay, etc., in the boldest act they ever ventured on to undermine the government, have the address to screen themselves, and direct the hue and cry against those who wish to drag them into light. A bolder party-stroke was never struck. For it certainly is an attempt of a party, who find they have lost their majority in one branch of the Legislature, to make a law by the aid of the other branch and of the executive, under color of a treaty, which shall bind up the hands of

the adverse branch from ever restraining the commerce of their patron-nation. There appears a pause at present in the public sentiment, which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the President's chiding answer to Boston and Richmond, of the writings of Curtius and Camillus, and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen, and give a fundamental reply to Curtius and Camillus. Adieu affectionately.

TO MONSIEUR ODIT.

MONTICELLO, October 14, 1795.

SIR,—I received with pleasure your letter of the 9th ult., by post, but should with greater pleasure have received it from your own hand, that I might have had an opportunity of testifying to you in person the great respect I bear for your character, which had come to us before you, and of expressing my obligations to Professor Pictet, for procuring me the honor of your acquaintance. It would have been a circumstance of still higher satisfaction and advantage to me, if fortune had timed the periods of our service together, so that the drudgery of public business, which I always hated, might have been relieved by conversations with you on subjects which I always loved, and particularly in learning from you the new advances of science on the other

side of the Atlantic. The interests of our two republics also could not but have been promoted by the harmony of their servants. Two people whose interests, whose principles, whose habits of attachment, founded on fellowship in war and mutual kindnesses, have so many points of union, cannot but be easily kept together. I hope you have accordingly been sensible, Sir, of the general interest which my countrymen take in all the successes of your republic. In this no one joins with more enthusiasm than myself, an enthusiasm kindled by our love of liberty, by my gratitude to your nation who helped us to acquire it, by my wishes to see it extended to all men, and first to those whom we love most. I am now a private man, free to express my feelings, and their expression will be estimated at neither more or less than they weigh, to wit, the expressions of a private man. Your struggles for liberty keep alive the only sparks of sensation which public affairs now excite in me. As to the concerns of my own country, I leave them willingly and safely to those who will have a longer interest in cherishing them. My books, my family, my friends, and my farm, furnish more than enough to occupy me the remainder of my life, and of that tranquil occupation most analogous to my physical and moral constitution. The correspondence you are pleased to invite me to on the natural history of my country, cannot but be profitable and acceptable to me. My long absence from it, indeed, has

deprived me of the means of throwing any new lights on it; but I shall have the benefit of participating of your views of it, and occasions of expressing to you those sentiments of esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO EDWARD RUTLEDGE.

MONTICELLO, November 30, 1795.

MY DEAR SIR,—I received your favor of October the 12th by your son, who has been kind enough to visit me here, and from whose visit I have received all that pleasure which I do from whatever comes from you, and especially from a subject so deservedly dear to you. He found me in a retirement I dote on, living like an antediluvian patriarch among my children and grandchildren, and tilling my soil. As he had lately come from Philadelphia, Boston, etc., he was able to give me a great deal of information of what is passing in the world, and I pestered him with questions pretty much as our friends Lynch, Nelson, etc., will us, when we step across the Styx, for they will wish to know what has been passing above ground since they left us. You hope I have not abandoned entirely the service of our country. After five and twenty years' continual employment in it, I trust it will be thought I have fulfilled my tour, like a punctual soldier, and may claim my discharge. But I am glad of the sentiment from

you, my friend, because it gives a hope you will practice what you preach, and come forward in aid of the public vessel. I will not admit your old excuse, that you are in public service though at home. The campaigns which are fought in a man's own house are not to be counted. The present situation of the President, unable to get the offices filled, really calls with uncommon obligation on those whom nature has fitted for them. I join with you in thinking the treaty an execrable thing. But both negotiators must have understood, that, as there were articles in it which could not be carried into execution without the aid of the Legislatures on both sides, therefore it must be referred to them, and that these Legislatures being free agents, would not give it their support if they disapproved of it. I trust the popular branch of our Legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country, against the Legislature and people of the United States. I am, my dear friend, yours affectionately.

TO WILLIAM B. GILES.

MONTICELLO, December 31, 1795.

DEAR SIR,—Your favors of December the 15th and 20th came to hand by the last post. I am well pleased with the manner in which your House have

testified their sense of the treaty; while their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the President, who errs as other men do, but errs with integrity. Randolph seems to have hit upon the true theory of our Constitution; that when a treaty is made, involving matters confided by the Constitution to the three branches of the Legislature conjointly, the Representatives are as free as the President and Senate were, to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power. I thank you much for the pamphlet. His narrative is so straight and plain, that even those who did not know him will acquit him of the charge of bribery. Those who knew him had done it from the first. Though he mistakes his own political character in the aggregate, yet he gives it to you in the detail. Thus, he supposes himself a man of no party (page 57); that his opinions not containing any systematic adherence to party, fell sometimes on one side and sometimes on the other (page 58). Yet he gives you these facts, which show that they fall generally on both sides, and are complete inconsistencies.

1. He never gave an opinion in the cabinet against the rights of the people (page 97); yet he advised the denunciation of the popular societies (page 67).

2. He would not neglect the overtures of a com-

mercial treaty with France (page 79); yet he always opposed it while Attorney General, and never seems to have proposed it while Secretary of State.

3. He concurs in resorting to the militia to quell the pretended insurrections in the west (page 81), and proposes an augmentation from twelve thousand five hundred to fifteen thousand, to march against men at their ploughs (page 80); yet on the 5th of August he is against their marching (pages 83, 101), and on the 25th of August he is for it (page 84).

4. He concurs in the measure of a mission extraordinary to London (as is inferred from page 58), but objects to the men, to wit, Hamilton and Jay (page 50).

5. He was against granting commercial powers to Mr. Jay (page 58); yet he besieged the doors of the Senate to procure their advice to ratify.

6. He advises the President to a ratification on the merits of the treaty (page 97), but to a suspension till the provision order is repealed (page 98). The fact is, that he has generally given his principles to the one party, and his practice to the other, the oyster to one, the shell to the other. Unfortunately, the shell was generally the lot of his friends, the French and republicans, and the oyster of their antagonists. Had he been firm to the principles he professes in the year 1793, the President would have been kept from an habitual concert with the British and anti-republican party. But at that time, I do not know which R. feared most, a British

fleet, or French disorganizers. Whether his conduct is to be ascribed to a superior view of things, an adherence to right without regard to party, as he pretends, or to an anxiety to trim between both, those who know his character and capacity will decide. Were parties here divided merely by a greediness for office, as in England, to take a part with either would be unworthy of a reasonable or moral man. But where the principle of difference is as substantial, and as strongly pronounced as between the republicans and the monocrats of our country, I hold it as honorable to take a firm and decided part, and as immoral to pursue a middle line, as between the parties of honest men and rogues, into which every country is divided.

A copy of the pamphlet came by this post to Charlottesville. I suppose we shall be able to judge soon what kind of impression it is likely to make. It has been a great treat to me, as it is a continuation of that cabinet history, with the former part of which I was intimate. I remark, in the reply of the President, a small travesty of the sentiment contained in the answer of the Representatives. They acknowledge that he has *contributed* a great share to the national happiness by his services. He thanks them for ascribing to his *agency* a great share of those benefits. The former keeps in view the co-operation of others towards the public good. The latter presents to view his sole agency. At a time when there would have been less anxiety to

publish to the people a strong approbation from your House, this strengthening of your expression would not have been noticed.

Our attentions have been so absorbed by the first manifestation of the sentiments of your House, that we have lost sight of our own Legislature; insomuch, that I do not know whether they are sitting or not. The rejection of Mr. Rutledge by the Senate is a bold thing; because they cannot pretend any objection to him but his disapprobation of the treaty. It is, of course, a declaration that they will receive none but tories hereafter into any department of the government. I should not wonder if Monroe were to be re-called, under the idea of his being of the partisans of France, whom the President considers as the partisans of *war and confusion*, in his letter of July the 31st, and as disposed to excite them to hostile measures, or at least to unfriendly sentiments; a most infatuated blindness to the true character of the sentiments entertained in favor of France. The bottom of my page warns me that it is time to end my commentaries on the facts you have furnished me. You would of course, however, wish to know the sensations here on those facts.

My friendly respects to Mr. Madison, to whom the next week's dose will be directed. Adieu affectionately.

TO GEORGE WYTHE.

MONTICELLO, January 16, 1796.

In my letter which accompanied the box containing my collection of printed laws, I promised to send you by post a statement of the contents of the box. On taking up the subject I found it better to take a more general review of the whole of the laws I possessed, as well manuscript as printed, as also of those which I do not possess, and suppose to be no longer extant. This general view you will have in the enclosed paper, whereof the articles stated to be printed constitute the contents of the box I sent you. Those in manuscript were not sent, because not supposed to have been within your view, and because some of them will not bear removal, being so rotten, that in turning over a leaf it sometimes falls into powder. These I preserve by wrapping and sewing them up in oil cloth, so that neither air nor moisture can have access to them. Very early in the course of my researches into the laws of Virginia, I observed that many of them were already lost, and many more on the point of being lost, as existing only in single copies in the hands of careful or curious individuals, on whose death they would probably be used for waste paper. I set myself therefore to work, to collect all which were then existing, in order that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of

our property, and our history, a part of their regret might be spared by information that a portion had been saved from the wreck, which is worthy of their attention and preservation. In searching after these remains, I spared neither time, trouble, nor expense; and am of opinion that scarcely any law escaped me, which was in being as late as the year 1790 in the middle or southern parts of the State. In the northern parts, perhaps something might still be found. In the clerk's offices in the ancient counties, some of these manuscript copies of the laws may possibly still exist, which used to be furnished at the public expense to every county, before the use of the press was introduced; and in the same places, and in the hands of ancient magistrates or of their families, some of the fugitive sheets of the laws of separate sessions, which have been usually distributed since the practice commenced of printing them. But recurring to what we actually possess, the question is, what means will be the most effectual for preserving these remains from future loss? All the care I can take of them, will not preserve them from the worm, from the natural decay of the paper, from the accidents of fire, or those of removal when it is necessary for any public purposes, as in the case of those now sent you. Our experience has proved to us that a single copy, or a few, deposited in manuscript in the public offices, cannot be relied on for any great length of time. The ravages of fire and of ferocious

enemies have had but too much part in producing the very loss we are now deploring. How many of the precious works of antiquity were lost while they were preserved only in manuscript! has there ever been one lost since the art of printing has rendered it practicable to multiply and disperse copies? This leads us then to the only means of preserving those remains of our laws now under consideration, that is, a multiplication of printed copies. I think therefore that there should be printed at public expense, an edition of all the laws ever passed by our legislatures which can now be found; that a copy should be deposited in every public library in America, in the principal public offices within the State, and some perhaps in the most distinguished public libraries of Europe, and the rest should be sold to individuals, towards reimbursing the expenses of the edition. Nor do I think that this would be a voluminous work. The MSS. would furnish matter for one printed volume in folio, would comprehend all the laws from 1624 to 1701, which period includes Pervis. My collection of fugitive sheets forms, as we know, two volumes, and comprehends all the extant laws from 1734 to 1783; and the laws which can be gleaned up from the Revivals to supply the chasm between 1701 and 1734, with those from 1783 to the close of the present century, (by which term the work might be completed,) would not be more than the matter of another volume. So that four volumes in folio, would give every law ever

passed which is now extant; whereas those who wish to possess as many of them as can be procured, must now buy the six folio volumes of Revivals, to wit, Pervis and those of 1732, 1784, 1768, 1783, and 1794, and in all of them possess not one half of which they wish. What would be the expense of the edition I cannot say, nor how much would be reimbursed by the sales; but I am sure it would be moderate, compared with the rates which the public have hitherto paid for printing their laws, provided a sufficient latitude be given as to printers and places. The first step would be to make out a single copy from the MSS., which would employ a clerk about a year or something more, to which expense about a fourth should be added for collation of the MSS., which would employ three persons at a time about half a day, or a day in every week. As I have already spent more time in making myself acquainted with the contents and arrangement of these MSS. than any other person probably ever will, and their condition does not admit their removal to a distance, I will cheerfully undertake the direction and superintendence of this work, if it can be done in the neighboring towns of Charlottesville or Milton, farther than which I could not undertake to go from home. For the residue of the work, my printed volumes might be delivered to the printer.

I have troubled you with these details, because you are in the place where they may be used for the public service, if they admit of such use, and because

the order of assembly, which you mention, shows they are sensible of the necessity of preserving such of these laws as relate to our landed property; and a little further consideration will perhaps convince them that it is better to do the whole work once for all, than to be recurring to it by piece-meal, as particular parts of it shall be required, and that, too, perhaps, when the materials shall be lost. You are the best judge of the weight of these observations, and of the mode of giving them any effect they may merit. Adieu affectionately.

TO JAMES MADISON.

MONTICELLO, March 6, 1796.

DEAR SIR,—I wrote you February the 21st, since which I have received yours of the same day. Indeed, mine of that date related only to a single article in yours of January the 31st and February the 7th. I do not at all wonder at the condition in which the finances of the United States are found. Hamilton's object from the beginning, was to throw them into forms which should be utterly undecypherable. I ever said he did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt. My own opinion was, that from the commencement of this government to the time I ceased to attend to the subject, we had been increasing our

debt about a million of dollars annually. If Mr. Gallatin would undertake to reduce this chaos to order, present us with a clear view of our finances, and put them into a form as simple as they will admit, he will merit immortal honor. The accounts of the United States ought to be, and may be made as simple as those of a common farmer, and capable of being understood by common farmers.

Disapproving, as I do, of the unjustifiable largess to the demands of the Count de Grasse, I will certainly not propose to rivet it by a second example on behalf of M. de Chastellux's son. It will only be done in the event of such a repetition of the precedent, as will give every one a right to share in the plunder. It is, indeed, surprising you have not yet received the British treaty in form. I presume you would never receive it were not your co-operation on it necessary. But this will oblige the formal notification of it to you.

My salutations to Mrs. Madison, friendly esteem to Mr. Giles, Page, etc. I am, with sincere affection, yours.

P. S. Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues; but the other revenues

will soon be called into their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered even by the State legislature as by the magistracy of the county, on the spot. How will they be when a member of New Hampshire is to mark out a road for Georgia? Does the power to *establish* post roads, given you by the Constitution, mean that you shall *make* the roads, or only *select* from those already made, those on which there shall be a post? If the term be equivocal, (and I really do not think it so,) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which if too restricted may be referred to the States for amendment, securing still due measures and proportion among us, and providing some means of information to the members of Congress tantamount to that ocular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence? The fortification of harbors was liable to great objection. But national circumstances furnished some color. In this case there is none. The roads of America are the best in the world except those of France and England. But does the state of our population, the extent of our internal commerce, the want of

sea and river navigation, call for such expense on roads here, or are our means adequate to it? Think of all this, and a great deal more which your good judgment will suggest, and pardon my freedom.

TO WILLIAM B. GILES.

MONTICELLO, March 19, 1796.

I know not when I have received greater satisfaction than on reading the speech of Dr. Lieb, in the Pennsylvania Assembly. He calls himself a new member. I congratulate honest republicanism on such an acquisition, and promise myself much from a career which begins on such elevated ground. We are in suspense here to see the fate and effect of Mr. Pitt's bill against democratic societies. I wish extremely to get at the true history of this effort to suppress freedom of meeting, speaking, writing and printing. Your acquaintance with Sedgwick will enable you to do it. Pray get the outlines of the bill he intended to have brought in for this purpose. This will enable us to judge whether we have the merit of the invention; whether we were really beforehand with the British minister on this subject; whether he took his hint from our proposition, or whether the concurrence in the sentiment is merely the result of the general truth that great men will think alike and act alike, though without intercommunication. I am serious in desiring extremely the outlines of the bill intended for us.

From the debates on the subject of our seamen, I am afraid as much harm as good will be done by our endeavors to arm our seamen against impressments. It is proposed to register them and give them certificates. But these certificates will be lost in a thousand ways; a sailor will neglect to take his certificate; he is wet twenty times in a voyage; if he goes ashore without it, he is impressed; if with it, he gets drunk, it is lost, stolen from him, taken from him, and then the want of it gives authority to impress, which does not exist now. After ten years' attention to the subject, I have never been able to devise anything effectual, but that the circumstance of an American bottom be made *ipso facto*, a protection for a number of seamen proportioned to her tonnage; that American captains be obliged, when called on by foreign officers, to parade the men on deck, which would show whether they exceeded their own quota, and allow the foreign officer to send two or three persons aboard and hunt for any suspected to be concealed. This, Mr. Pinckney was instructed to insist upon with Great Britain; to accept of nothing short of it; and, most especially, not to agree that a certificate of citizenship should be requirable from our seamen; because it would be made a ground for the authorized impressment of them. I am still satisfied that such a protection will place them in a worse situation than they are at present. It is true, the British minister has not shown any disposition to accede

to my proposition: but it was not totally rejected; and if he still refuses, lay a duty of one penny sterling a yard on British oznaburgs, to make a fund for paying the expenses of the agents you are obliged to employ to seek out our suffering seamen. I congratulate you on the arrival of Mr. Ames and the British treaty. The newspapers had said they would arrive together. We have had a fine winter. Wheat looks well. Corn is scarce and dear. Twenty-two shillings here, thirty shillings in Amherst. Our blossoms are but just opening. I have begun the demolition of my house, and hope to get through its re-edification in the course of the summer. We shall have the eye of a brick-kiln to poke you into, or an octagon to air you in. Adieu affectionately

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TO COLONEL JAMES MONROE.

MONTICELLO, March 21, 1796.

DEAR SIR,—I wrote you on the 2d instant, and now take the liberty of troubling you, in order to have the enclosed letter to M. Gautier safely handed to him. I will thank you for information that it gets safely to hand, as it is of considerable importance to him, to the United States, to the State of Virginia, and to myself, by conveying to him the final arrangement of the accounts of Grand and Company with all those parties.

* * * * * * * * *

The British treaty has been formally, at length,

laid before Congress. All America is a-tiptoe to see what the House of Representatives will decide on it. We conceive the constitutional doctrine to be, that though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the Constitution to the three branches of Legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives, to the President and Senate, and Piamingo or any other Indian, Algerine, or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious, as to have been predetermined by all America. The appointment of Elsworth Chief Justice, and Chase one of the judges, is doubtless communicated to you. My friendly respects to Mrs. Monroe. Adieu affectionately.

TO JAMES MADISON.

MONTICELLO, March 27, 1796.

DEAR SIR,—I am much pleased with Mr. Gallatin's speech in Bache's paper of March the 14th. It is worthy of being printed at the end of the Federalist, as the only rational commentary on the part of the Constitution to which it relates. Not that there may not be objections, and difficult ones, to it, and which I shall be glad to see his answers to; but if they are never answered, they are more easily to be gulped down than those which lie to the doctrines of his opponents, which do in fact annihilate the whole of the powers given by the Constitution to the Legislature. According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the President and Senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the Legislature, is large enough; and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power, except as to making peace. If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used, if not in one where the rights, the interest, the honor and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to

chain down the Legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, "curse on his virtues, they have undone his country." Cold weather, mercury at twenty degrees in the morning. Corn fallen at Richmond to twenty shillings; stationary here; Nicholas sure of his election; R. Jouett and Jo. Monroe in competition for the other vote of the county. Affection to Mrs. M. and yourself. Adieu.

TO JAMES MADISON.

MONTICELLO, April 19, 1796.

DEAR SIR,—Yours of the 4th instant came to hand the day before yesterday. I have turned to the conventional history, and enclose you an exact copy of what is there on the subject you mentioned. I have also turned to my own papers, and send you some things extracted from them, which show that the recollection of the President has not been accurate, when he supposed his own opinion to have been uniformly that declared in his answer of March

the 30th. The records of the Senate will vouch for this. My respects to Mrs. Madison. Adieu affectionately.

[The papers referred to in the preceding.]

Extract, verbatim, from last page but one and the last page.

"Mr. King suggested that the journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought, if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the Constitution.

"Mr. Wilson preferred the second expedient. He had at one time liked the first best; but as false suggestions may be propagated, it should not be made impossible to contradict them.

"A question was then put on depositing the journals and other papers of the Convention in the hands of the President, on which New Hampshire, aye, Massachusetts, aye, Connecticut, aye, New Jersey, aye, Pennsylvania, aye, Delaware, aye, Maryland, no, Virginia, aye, North Carolina, aye, South Carolina, aye, and Georgia, aye. This negative of Maryland was occasioned by the language of the instructions to the Deputies of that State, which required them to report to the State the *proceedings* of the Convention.

"The President having asked what the Convention meant should be done with the journals, etc., whether copies were to be allowed to the members, if applied for, it was resolved *nem. con.* 'that he retain the journal and other papers subject to the order of the Congress, if ever formed under the Constitution.'

"The members then proceeded to sign the instrument," etc.

"In the Senate, February 1, 1791.

"The committee, to whom was referred that part of the speech of the President of the United States, at the opening of the session, which relates to the commerce of the Mediterranean, and also the letter from the Secretary of State, dated the 20th of January, 1791, with the papers accompanying the same, reported; whereupon,

"*Resolved*, That the Senate do advise and consent, that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States, now in captivity at Algiers, provided the expense shall not exceed forty thousand dollars, and also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco."

The above is a copy of a resolve of the Senate, referred to me by the President, to propose an answer to, and I find immediately following this,

among my papers, a press copy, from an original written fairly in my own hand, ready for the President's signature, and to be given in to the Senate, of the following answer:

"*Gentlemen of the Senate,*—

"I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the 1st instant, so soon as the moneys necessary shall be appropriated *by the Legislature*, and shall be in readiness.

"The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation and provision. The importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention."

Though I have no memorandum of the delivery of this to the Senate, yet I have not the least doubt it was given in to them, and will be found among their records.

I find, among my press copies, the following in my handwriting:

"The committee to report, that the President does not think that circumstances will justify, in the present instance, his entering into *absolute* engagements for the ransom of our captives in Algiers, nor calling for money from the treasury, nor raising it by loan, without previous authority from *both branches* of the Legislature."

April 9, 1792.

I do not recollect the occasion of the above paper with certainty; but I think there was a committee appointed by the Senate to confer with the President on the subject of the ransom, and to advise what is there declined, and that a member of the committee advising privately with me as to the report they were to make to the House, I minuted down the above as the substance of what he observed to be the proper report, after what had passed with the President, and gave the original to the member, preserving the press copy. I think the member was either Mr. Izard or Mr. Butler, and have no doubt such a report will be found on the files of the Senate.

On the 8th of May following, in consequence of questions proposed by the President to the Senate, they came to a resolution, on which a mission was founded.

TO PHILLIP MAZZEI.[1]

MONTICELLO, April 24, 1796.

MY DEAR FRIEND,—

* * * * * * * * *

The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican

[1] The first part of this letter is on private business, and is therefore omitted.

monarchical aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are the Executive, the Judiciary, two out of three branches of the Legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants and Americans trading on British capital, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.

I will forward the testimonial of the death of Mrs. Mazzei, which I can do the more incontrovertibly as she is buried in my graveyard, and I pass her grave daily. The formalities of the proof you require, will occasion delay. I begin to feel the effects of age. My health has suddenly broken down, with symptoms which give me to believe I shall not have much to encounter of the *tedium vitæ*. While it remains, however, my heart will be warm in its friendships, and among these, will always foster the affections with which I am, dear Sir, your friend and servant.

TO COLONEL JAMES MONROE.

MONTICELLO, June 12, 1796.

DEAR SIR,—

* * * * * * * * *

Congress have risen. You will have seen by their proceedings the truth of what I always observed to you, that one man outweighs them all in the influence over the people, who have supported his judgment against their own and that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them. I had always conjectured, from such facts as I could get hold of, that our public debt was increasing about a million of dollars a year. You will see by Gallatin's speeches that the thing is proved. You will see further, that we are com-

pletely saddled and bridled, and that the bank is so firmly mounted on us that we must go where they will guide. They openly publish a resolution, that the national property being increased in value, they must by an increase of circulating medium furnish an adequate representation of it, and by further additions of active capital promote the enterprises of our merchants. It is supposed that the paper in circulation in and around Philadelphia, amounts to twenty millions of dollars, and that in the whole Union, to one hundred millions. I think the last too high. All the imported commodities are raised about fifty per cent. by the depreciation of the money. Tobacco shares the rise, because it has no competition abroad. Wheat has been extraordinarily high from other causes. When these cease, it must fall to its ancient nominal price, notwithstanding the depreciation of that, because it must contend in market with foreign wheats. Lands had risen within the vortex of the paper, and as far out as that can influence. They have not risen at all here. On the contrary, they are lower than they were twenty years ago. Those I had mentioned to you, to wit, Carter's and Colle, were sold before your letter came. Colle at two dollars the acre. Carter's had been offered me for two French crowns (13*s.* 2*d*). Mechanics here get from a dollar to a dollar and a half a day, yet are much worse off than at the old prices.

Volney is with me at present. He is on his way to the Illinois. Some late appointments, judiciary

and diplomatic, you will have heard, and stared at. The death of R. Jouett is the only small news in our neighborhood.

Our best affections attend Mrs. Monroe, Eliza and yourself. Adieu affectionately.

TO GEORGE WASHINGTON.

MONTICELLO, June 19, 1796.

In Bache's Aurora, of the 9th instant, which came here by the last post, a paper appears, which, having been confided, as I presume, to but few hands, makes it truly wonderful how it should have got there. I cannot be satisfied as to my own part, till I relieve my mind by declaring, and I attest everything sacred and honorable to the declaration, that it has got there neither through me nor the paper confided to me. This has never been from under my own lock and key, or out of my own hands. No mortal ever knew from me, that these questions had been proposed. Perhaps I ought to except one person, who possesses all my confidence, as he has possessed yours. I do not remember, indeed, that I communicated it even to him. But as I was in the habit of unlimited trust and council with him, it is possible I may have read it to him; no more: for the quire of which it makes a part was never in any hand but my own, nor was a word ever copied or taken down from it, by anybody. I take on myself, without fear, any divulgation on his part. We both know him incapa-

ble of it. From myself, then, or my papers, this publication has never been derived. I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct, never to write a word for the public papers. From this, I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another. I learn that this last has thought it worth his while to try to sow tares between you and me, by representing me as still engaged in the bustle of politics, and in turbulence and intrigue against the government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not overweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, and therefore avoid where I can without affectation. But when urged by others, I have never conceived that having been in public life requires me to belie my sentiments, or

even to conceal them. When I am led by conversation to express them, I do it with the same independence here which I have practiced everywhere, and which is inseparable from my nature. But enough of this miserable tergiversator, who ought indeed either to have been of more truth, or less trusted by his country.[1]

While on the subject of papers, permit me to ask one from you. You remember the difference of opinion between Hamilton and Knox on the one part, and myself on the other, on the subject of firing on the Little Sarah, and that we had exchanged opinions and reasons in writing. On your arrival in Philadelphia I delivered you a copy of my reasons, in the presence of Colonel Hamilton. On our withdrawing, he told me he had been so much engaged that he had not been able to prepare a copy of his and General Knox's for you, and that if I would send you the one he had given me, he would replace it in a few days. I immediately sent it to you, wishing you should see both sides of the subject together. I often after applied to both the gentlemen, but could never obtain another copy. I have often thought of asking this one, or a copy of it, back from you, but have not before written on subjects of this kind to you. Though I do not know that it will ever be of the least importance to me, yet one loves to possess arms, though they hope never to have occa-

[1] Here, in the margin of the copy, is written, apparently at a later date, "General H. Lee."

sion for them. They possess my paper in my own handwriting. It is just I should possess theirs. The only thing amiss is, that they should have left me to seek a return of the paper, or a copy of it, from you.

I put away this disgusting dish of old fragments, and talk to you of my peas and clover. As to the latter article, I have great encouragement from the friendly nature of our soil. I think I have had, both the last and present year, as good clover from common grounds, which had brought several crops of wheat and corn without ever having been manured, as I ever saw on the lots around Philadelphia. I verily believe that a yield of thirty-four acres, sowed on wheat April was twelvemonth, has given me a ton to the acre at its first cutting this spring. The stalks extended, measured three and a half feet long very commonly. Another field, a year older, and which yielded as well the last year, has sensibly fallen off this year. My exhausted fields bring a clover not high enough for hay, but I hope to make seed from it. Such as these, however, I shall hereafter put into peas in the broadcast, proposing that one of my sowings of wheat shall be after two years of clover, and the other after two years of peas. I am trying the white boiling pea of Europe (the Albany pea) this year, till I can get the hog pea of England, which is the most productive of all. But the true winter vetch is what we want extremely. I have tried this year the Carolina drill. It is absolutely perfect. Nothing can be more simple, nor perform

its office more perfectly for a single row. I shall try to make one to sow four rows at a time of wheat or peas, at twelve inches distance. I have one of the Scotch threshing machines nearly finished. It is copied exactly from a model Mr. Pinckney sent me, only that I have put the whole works (except the horse wheel) into a single frame, movable from one field to another on the two axles of a wagon. It will be ready in time for the harvest which is coming on, which will give it a full trial. Our wheat and rye are generally fine, and the prices talked of bid fair to indemnify us for the poor crops of the two last years.

I take the liberty of putting under your cover a letter to the son of the Marquis de la Fayette, not exactly knowing where to direct to him.

With very affectionate compliments to Mrs. Washington, I have the honor to be, with great and sincere esteem and respect, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR DE LAFAYETTE.

MONTICELLO, June 19, 1796.

DEAR SIR,—The inquiries of Congress were the first intimation which reached my retirement of your being in this country, and from M. Volney, now with me, I first learned where you are. I avail myself of the earliest moments of this information, to express to you the satisfaction with which I learn that you are in a land of safety, where you will meet

in every person the friend of your worthy father and family. Among these, I beg leave to mingle my own assurances of sincere attachment to him, and my desire to prove it by every service I can render you. I know, indeed, that you are already under too good a patronage to need any other, and that my distance and retirement render my affections unavailing to you. They exist, nevertheless, in all their purity and warmth towards your father and every one embraced by his love; and no one has wished with more anxiety to see him once more in the bosom of a nation, who, knowing his works and his worth, desire to make him and his family forever their own. You were, perhaps, too young to remember me personally when in Paris. But I pray you to remember, that should any occasion offer wherein I can be useful to you, there is no one on whose friendship and zeal you may more confidently count. You will, some day, perhaps, take a tour through these States. Should anything in this part of them attract your curiosity, it would be a circumstance of great gratification to me to receive you here, and to assure you in person of those sentiments of esteem and attachment, with which I am, dear Sir, your friend and humble servant.

TO COLONEL HITE.

MONTICELLO, June 29, 1796.

SIR,—The bearer hereof is the Duke de Liancourt, one of the principal noblemen of France, and one of the richest. All this he has lost in the revolutions of his country, retaining only his virtue and good sense, which he possesses in a high degree. He was President of the National Assembly of France in its earliest stage, and forced to fly from the proscriptions of Marat. Being a stranger, and desirous of acquiring some knowledge of the country he passes through, he has asked me to introduce him to some person in or near Winchester, but I too am a stranger after so long an absence from my country. Some apology then is necessary for my undertaking to present this gentleman to you. It is the general interest of our country that strangers of distinction passing through it, should be made acquainted with its best citizens, and those most qualified to give favorable impressions of it. He well deserves any attentions you will be pleased to show him. He would have had a letter from Mr. Madison to you, as he was to have visited Mr. Madison at his own house, being well acquainted with him, but the uncertainty whether he has returned home, and his desire to see Staunton, turns him off the road at this place. I beg leave to add my acknowledgments to his for any civilities you will be pleased to show him, and to assure you of the sentiments of esteem with which I am, Sir, your most obedient, and most humble servant.

TO JONATHAN WILLIAMS.

MONTICELLO, July 3, 1796.

DEAR SIR,—I take shame to myself for having so long left unanswered your valuable favor on the subject of the mountains. But in truth, I am become lazy as to everything except agriculture. The preparations for harvest, and the length of the harvest itself, which is not yet finished, would have excused the delay, however, at all times and under all dispositions. I examined, with great satisfaction, your barometrical estimate of the heights of our mountains; and with the more, as they corroborated conjectures on this subject which I had made before. My estimates had made them a little higher than yours (I speak of the Blue Ridge). Measuring with a very nice instrument the angle subtended vertically by the highest mountain of the Blue Ridge opposite to my own house, a distance of about eighteen miles south-westward, I made the highest about two thousand feet, as well as I remember, for I can no longer find the notes I made. You make the south side of the mountain near Rockfish Gap, one thousand seven hundred and twenty-two feet above Woods'. You make the other side of the mountain seven hundred and sixty-seven feet. Mr. Thomas Lewis, deceased, an accurate man, with a good quadrant, made the north side of the highest mountain opposite my house something more (I think) than one thousand feet; but the mountain estimated by him

and myself is probably higher than that next Rockfish Gap. I do not remember from what principles I estimated the Peaks of Otter at four thousand feet; but some late observations of Judge Tucker's coincided very nearly with my estimate. Your measures confirm another opinion of mine, that the Blue Ridge, on its south side, is the highest ridge in our country compared with its base. I think your observations on these mountains well worthy of being published, and hope you will not scruple to let them be communicated to the world.

You wish me to present to the Philosophical Society the result of my philosophical researches since my retirement. But, my good Sir, I have made researches into nothing but what is connected with agriculture. In this way, I have a little matter to communicate, and will do it ere long. It is the form of a mould-board *of least resistance*. I had some years ago conceived the principles of it, and I explained them to Mr. Rittenhouse. I have since reduced the thing to practice, and have reason to believe the theory fully confirmed. I only wish for one of those instruments used in England for measuring the force exerted in the draughts of different ploughs, etc., that I might compare the resistance of my mould-board with that of others. But these instruments are not to be had here. In a letter of this date to Mr. Rittenhouse, I mention a discovery in animal history, very signal indeed, of which I shall lay before the Society the best account I can, as soon

as I shall have received some other materials collecting for me.

I have seen, with extreme indignation, the blasphemies lately vended against the memory of the father of American philosophy. But his memory will be preserved and venerated as long as the thunder of heaven shall be heard or feared.

With good wishes to all of his family, and sentiments of great respect and esteem for yourself, I am, dear Sir, your most obedient, and most humble servant.

TO COLONEL JAMES MONROE.

MONTICELLO, July 10, 1796.

DEAR SIR,— * * * * * * The campaign of Congress has closed. Though the Anglomen have in the end got their treaty through, and so far have triumphed over the cause of republicanism, yet it has been to them a dear-bought victory. It has given the most radical shock to their party which it has ever received; and there is no doubt, they would be glad to be replaced on the ground they possessed the instant before Jay's nomination extraordinary. They see that nothing can support them but the colossus of the President's merits with the people, and the moment he retires, that his successor, if a monocrat, will be overborne by the republican sense of his constituents; if a republican, he will, of course, give fair play to that

sense, and lead things into the channel of harmony between the governors and governed. In the meantime, patience.

Among your neighbors there is nothing new. Mr. Rittenhouse is lately dead. We have had the finest harvest ever known in this part of the country. Both the quantity and quality of wheat are extraordinary. We got fifteen shillings a bushel for the last crop, and hope two-thirds of that at least for the present one.

Most assiduous court is paid to Patrick Henry. He has been offered everything which they knew he would not accept. Some impression is thought to be made, but we do not believe it is radical. If they thought they could count upon him, they would run him for their Vice-President; their first object being to produce a schism in this State. As it is, they will run Mr. Pinckney; in which they regard his southern position rather than his principles. Mr. Jay and his advocate Camillus are completely treaty-foundered.

We all join in love to Mrs. Monroe; and accept for yourself assurances of sincere and affectionate friendship. Adieu.

TO COLONEL JOHN STUART.

MONTICELLO, November 10, 1796.

DEAR SIR,—I have to acknowledge the receipt of your last favor, together with the bones of the great claw, which accompanied it. My anxiety to obtain

a thigh bone is such, that I defer communicating what we have to the Philosophical Society, in the hope of adding that bone to the collection. We should then be able to fix the stature of the animal, without going into conjecture and calculation, as we should possess a whole limb, from the haunch bone to the claw inclusive. However, as you announce to me that the recovery of a thigh bone is desperate, I shall make the communication to the Philosophical Society. I think it happy that this incident will make known to them a person so worthy as yourself to be taken into their body, and without whose attention to these extraordinary remains, the world might have been deprived of the knowledge of them. I cannot, however, help believing that this animal, as well as the mammoth, are still existing. The annihilation of any species of existence, is so unexampled in any parts of the economy of nature which we see, that we have a right to conclude, as to the parts we do not see, that the probabilities against such annihilation are stronger than those for it. In hopes of hearing from you, as soon as you can form a conclusion satisfactory to yourself, that the thigh bone will or will not be recovered, I remain, with great respect and esteem, dear Sir, your most obedient servant.

TO JAMES MADISON.

MONTICELLO, December 17, 1796.

Your favor of the 5th came to hand last night. The first wish of my heart was, that you should have been proposed for the administration of the government. On your declining it, I wish any body rather than myself; and there is nothing I so anxiously hope, as that my name may come out either second or third. These would be indifferent to me; as the last would leave me at home the whole year, and the other two-thirds of it. I have no expectation that the Eastern States will suffer themselves to be so much outwitted, as to be made the tools for bringing in P. instead of A. I presume they will throw away their second vote. In this case, it begins to appear possible, that there may be an equal division where I had supposed the republican vote would have been considerably minor. It seems also possible, that the Representatives may be divided. This is a difficulty from which the Constitution has provided no issue. It is both my duty and inclination, therefore, to relieve the embarrassment, should it happen; and in that case, I pray you and authorize you fully, to solicit on my behalf that Mr. Adams may be preferred. He has always been my senior, from the commencement of our public life, and the expression of the public will being equal, this circumstance ought to give him the preference. And when so many motives will be operating to induce some of

the members to change their vote, the addition of my wish may have some effect to preponderate the scale. I am really anxious to see the speech. It must exhibit a very different picture of our foreign affairs from that presented in the adieu, or it will little correspond with my views of them. I think they never wore so gloomy an aspect since the year 1783. Let those come to the helm who think they can steer clear of the difficulties. I have no confidence in myself for the undertaking.

We have had the severest weather ever known in November. The thermometer was at twelve degrees here and in Goochland, and I suppose generally. It arrested my buildings very suddenly, when eight days more would have completed my walls, and permitted us to cover in. The drought is excessive. From the middle of October to the middle of December, not rain enough to lay the dust. A few days ago there fell a small rain, but the succeeding cold has probably prevented it from sprouting the grain sown during the drought.

Present me in friendly terms to Messrs. Giles, Venable, and Page. Adieu affectionately.

TO EDWARD RUTLEDGE.

MONTICELLO, December 27, 1796.

MY DEAR SIR,— * * * * *

You have seen my name lately tacked to so much of eulogy and of abuse, that I dare say you hardly

thought it meant your old acquaintance of '76. In truth, I did not know myself under the pens either of my friends or foes. It is unfortunate for our peace, that unmerited abuse wounds, while unmerited praise has not the power to heal. These are hard wages for the services of all the active and healthy years of one's life. I had retired after five and twenty years of constant occupation in public affairs, and total abandonment of my own. I retired much poorer than when I entered the public service, and desired nothing but rest and oblivion. My name, however, was again brought forward, without concert or expectation on my part; (on my salvation I declare it). I do not as yet know the result, as a matter of fact; for in my retired canton we have nothing later from Philadelphia than of the second week of this month. Yet I have never one moment doubted the result. I knew it was impossible Mr. Adams should lose a vote north of the Delaware, and that the free and moral agency of the South would furnish him an abundant supplement. On principles of public respect I should not have refused; but I protest before my God, that I shall, from the bottom of my heart, rejoice at escaping. I know well that no man will ever bring out of that office the reputation which carries him into it. The honeymoon would be as short in that case as in any other, and its moments of extasy would be ransomed by years of torment and hatred. I shall highly value, indeed, the share which I may have had in the late vote, as an evidence of the

share I hold in the esteem of my countrymen. But in this point of view, a few votes more or less will be little sensible, and in every other, the minor will be preferred by me to the major vote. I have no ambition to govern men; no passion which would lead me to delight to ride in a storm. *Flumina amo, sylvasque, inglorius.* My attachment to my home has enabled me to make the calculation with rigor, perhaps with partiality, to the issue which keeps me there. The newspapers will permit me to plant my corn, peas, etc., in hills or drills as I please (and my oranges, by-the-bye, when you send them), while our eastern friend will be struggling with the storm which is gathering over us; perhaps be shipwrecked in it. This is certainly not a moment to covet the helm.

I have often doubted whether most to praise or to blame your line of conduct. If you had lent to your country the excellent talents you possess, on you would have fallen those torrents of abuse which have lately been poured forth on me. So far, I praise the wisdom which has descried and steered clear of a water-spout ahead. But now for the blame. There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him. Counters will pay this from the poor of spirit; but from you, my friend, coin was due. There is no bankrupt law in heaven, by which you may get off with shillings in the pound; with rendering to a single State what you owed to

the whole confederacy. I think it was by the Roman law that a father was denied sepulture, unless his son would pay his debts. Happy for you and us, that you have a son whom genius and education have qualified to pay yours. But as you have been a good father in everything else, be so in this also. Come forward and pay your own debts. Your friends, the Mr. Pinckneys, have at length undertaken their tour. My joy at this would be complete if you were in gear with them. I love to see honest and honorable men at the helm, men who will not bend their politics to their purses, nor pursue measures by which they may profit, and then profit by their measures. *Au diable les Bougres!* I am at the end of my curse and bottom of my page, so God bless you and yours. Adieu affectionately.

TO JOHN ADAMS.[1]

MONTICELLO, Dec. 28, 1796.

DEAR SIR,—The public and the papers have been much occupied lately in placing us in a point of opposition to each other. I trust with confidence that less of it has been felt by ourselves personally. In the retired canton where I am, I learn little of what is passing: pamphlets I see never: papers but a few; and the fewer the happier. Our latest intelligence from Philadelphia at present is of the 16th

[1] Copy of the original letter owned by Dr. Thomas Addis Emmet, of New York.

instant, but though at that date your election to the first magistracy seems not to have been known as a fact, yet with me it has never been doubted. I knew it impossible you should lose a vote north of the Delaware, and even if that of Pennsylvania should be against you in the mass, yet that you would get enough south of that to place your succession out of danger. I have never one single moment expected a different issue; and though I know I shall not be believed, yet it is not the less true that I have never wished it. My neighbors as my compurgators could aver that fact, because they see my occupations and my attachment to them. Indeed it is possible that you may be cheated of your succession by a trick worthy the subtlety of your arch-friend of New York who has been able to make of your real friends tools to defeat their and your just wishes. Most probably he will be disappointed as to you; and my inclinations place me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep and a warm berth below, with the society of neighbors, friends and fellow-laborers of the earth, than of spies and sycophants. No one then will congratulate you with purer disinterestedness than myself. The share, indeed, which I may have had in the late vote, I shall still value highly, as an evidence of the share I have in the esteem of my fellow-citizens. But while in this point of view, a few votes less would be little sensible, the difference in the effect of a few more

would be very sensible and oppressive to me. I have no ambition to govern men. It is a painful and thankless office. Since the day, too, on which you signed the treaty of Paris our horizon was never so overcast. I devoutly wish you may be able to shun for us this war by which our agriculture, commerce and credit will be destroyed. If you are, the glory will be all your own; and that your administration may be filled with glory, and happiness to yourself and advantage to us is the sincere wish of one who though in the course of our own voyage through life, various little incidents have happened or been contrived to separate us, retains still for you the solid esteem of the moments when we were working for our independence, and sentiments of respect and affectionate attachment.

TO JAMES MADISON.

MONTICELLO, Jan. 1, '97.

Yours of Dec. 19 has come safely. The event of the election has never been a matter of doubt in my mind. I knew that the Eastern States were disciplined in the schools of their town meetings to sacrifice differences of opinion to the great object of operating in phalanx, and that the more free and moral agency practiced in the other States would always make up the supplement of their weight. Indeed the vote comes much nearer an equality than I had expected. I know the difficulty of obtaining

belief to one's declarations of a disinclination to honors, and that it is greatest with those who still remain in the world. But no arguments were wanting to reconcile me to a relinquishment of the first office or acquiescence under the second. As to the first it was impossible that a more solid unwillingness settled on full calculation, could have existed in any man's mind, short of the degree of absolute refusal. The only view on which I would have gone into it for awhile was to put our vessel on her republican tack before she should be thrown too much to leeward of her true principles. As to the second, it is the only office in the world about which I am unable to decide in my own mind whether I had rather have it or not have it. Pride does not enter into the estimate; for I think with the Romans that the general of to-day should be a soldier to-morrow if necessary. I can particularly have no feelings which would revolt at a secondary position to Mr. Adams. I am his junior in life, was his junior in Congress, his junior in the diplomatic line, his junior lately in the civil government. Before the receipt of your letter I had written the enclosed one to him. I had intended it some time, but had deferred it from time to time under the discouragement of a despair of making him believe I could be sincere in it. The papers by the last post not rendering it necessary to change anything in the letter I enclose it open for your perusal, not only that you may possess the actual state of dispositions between us,

but that if anything should render the delivery of it ineligible in your opinion, you may return it to me. If Mr. Adams can be induced to administer the government on its true principles, and to relinquish his bias to an English constitution, it is to be considered whether it would not be on the whole for the public good to come to a good understanding with him as to his future elections. He is perhaps the only sure barrier against Hamilton's getting in.

Since my last I have received a packet of books and pamphlets, the choiceness of which testifies that they come from you. The incidents of Hamilton's insurrection is a curious work indeed. The hero of it exhibits himself in all the attitudes of a dexterous balance master.

The political progress is a work of value and of a singular complexion. The eye of the author seems to be a natural achromatic, which divests every object of the glare of color. The preceding work under the same title had the same merit. One is disgusted indeed with the ulcerated state which it presents of the human mind: but to cure an ulcer we must go to its bottom: and no writer has ever done this more radically than this one. The reflections into which he leads one are not flattering to our species. In truth I do not recollect in all the animal kingdom a single species but man which is eternally and systematically engaged in the destruction of its own species. What is called civilization seems to have no other effect on him than to teach him to pursue

the principle of *bellum omnium in omnia* on a larger scale, and in place of the little contests of tribe against tribe, to engage all the quarters of the earth in the same work of destruction. When we add to this that as to the other species of animals, the lions and tigers are mere lambs compared with man as a destroyer, we must conclude that it is in man alone that nature has been able to find a sufficient barrier against the too great multiplication of other animals and of man himself, an equilibriating power against the fecundity of generation. My situation points my views chiefly to his wars in the physical world: yours perhaps exhibit him as equally warring in the moral one. We both, I believe, join in wishing to see him softened. Adieu.

TO MR. VOLNEY.

MONTICELLO, January 8, 1797.

DEAR SIR,—I received yesterday your two favors of December the 26th and 29th. Your impatience to receive your valise and its key was natural; and it is we who have been to blame; Mr. Randolph, for not taking information of the vessel and address to which your valise was committed, and myself for having waited till I heard of your being again immerged into the land of newspapers before I forwarded your key. However, as you have at length got them safe, I claim absolution under the proverb, that "all is well which ends well."

About the end of 1793, I received from Mr. Dombey (then at Lyons) a letter announcing his intention to come here. And in May, 1794, I received one from a M. L'Epine, dated from New York, and stating himself to be master of the brig de Boon, Captain Brown, which had sailed from Havre with Mr. Dombey on board, who had sealed up his baggage and wrote my address on them, to save them in case of capture; and that when they were taken, the address did in fact protect them. He mentioned then the death of Mr. Dombey, and that he had delivered his baggage to the Custom House at New York. I immediately wrote to M. L'Epine, disclaiming any right or interest in the packages under my address, and authorizing, as far as depended on me, the consul at New York, or any person the representative of Mr. Dombey, to open the packages and dispose of them according to right. I enclosed this letter open to Mr. Randolph, then Secretary of State, to get his interference for the liberation of the effects. It may have happened that he failed to forward the letter, or that M. L'Epine may have gone before it reached New York. In any event, I can do no more than repeat my disclaimer of any right to Mr. Dombey's effects, and add all the authority which I can give to yourself, or the consul of France at New York, to do with those effects whatever I might do. Certainly, it would be a great gratification to me to receive the Metre and Grave committed to Mr. Dombey for me, and that you would be so

good as to be the channel of my acknowledgments to Bishop Gregoire, or any one else to whom I should owe this favor.

You wish to know the state of the air here during the late cold spell, or rather the present one, for it is at this moment so cold that the ink freezes in my pen, so that my letter will scarcely be legible.

The following is copied from my diary:

Sun rise.	3 P. M.	
Nov. 22	60	69
23	32½	44
24	23	28
25	21	35
26	12	26
27	15	29
28	18	29
29	25	36
30	22	43

Sun rise.	3 P. M.	
Dec. 19	50	48
20	19	48
21	24	48
22	12	48
23	5 below o	11
24	0	20
25	18	32
26	21	30
27	15	29

Sun rise.	3 P. M.		
Dec. 28	18	34	
29	30	39	
30	31	34	a snow 1½ inches deep.
31	34	39	
Jan. 1	0	30	43
2	28	33	
3	23	30	a snow 3 inches deep.
4	23	30	
5	21	35	
6	27	38	
7	25	22	
8	12		

In the winter of 1779–80, the mercury in Fahrenheit's thermometer fell at Williamsburg once to six degrees above zero. In 1783–84, I was at Annapolis without a thermometer, and I do not know that there was one in that State; I heard from Virginia, that the mercury was again down to six degrees. In 1789–90, I was at Paris. The mercury here was as low as eighteen degrees below zero, of Fahrenheit. These have been the most remarkably cold winters ever known in America. We are told, however, that in 1762, at Philadelphia, it was twenty-two degrees below zero; in December, 1793, it was three degrees below zero there by my thermometer. On the 31st of January, 1796, it was one and three-fourth degrees

above zero at Monticello. I shall therefore have to change the maximum of our cold, if ever I revise the Notes on Virginia; as six degrees above zero was the greatest which had ever been observed.

It seems possible, from what we hear of the votes at the late election, that you may see me in Philadelphia about the beginning of March, exactly in that character which, if I were to reappear at Philadelphia, I would prefer to all others; for I change the sentiment of Clorinda to "L'Alte temo, l'humile non sdegno." I have no inclination to govern men. I should have no views of my own in doing it; and as to those of the governed, I had rather that their disappointment (which must always happen) should be pointed to any other cause, real or supposed, than to myself. I value the late vote highly; but it is only as the index of the place I hold in the esteem of my fellow-citizens. In this point of view, the difference between sixty-eight and seventy-one votes is little sensible, and still less that between the real vote, which was sixty-nine and seventy; because one real elector in Pennsylvania was excluded from voting by the miscarriage of the votes, and one who was not an elector was admitted to vote. My farm, my family, my books and my building, give me much more pleasure than any public office would, and, especially, one which would keep me constantly from them. I had hoped, when you were here, to have finished the walls of my house in the autumn, and to have covered it early in winter. But we did not

finish them at all. I have to resume the work, therefore, in the spring, and to take off the roof of the old part during the summer, to cover the whole. This will render it necessary for me to make a very short stay in Philadelphia, should the late vote have given me any public duty there. My visit there will be merely out of respect to the public, and to the new President.

I am sorry you have received so little information on the subject of our winds. I had once (before our revolution war) a project on the same subject. As I had then an extensive acquaintance over this State, I meant to have engaged some person in every county of it, giving them each a thermometer, to observe that and the winds twice a day, for one year, to wit, at sun-rise and at four P. M., (the coldest and the warmest point of the twenty-four hours,) and to communicate their observations to me at the end of the year. I should then have selected the days in which it appeared that the winds blew to a centre within the State, and have made a map of them, and seen how far they had analogy with the temperature of the air. I meant this to be merely a specimen to be communicated to the Philosophical Society at Philadelphia, in order to engage them, by means of their correspondents, to have the same thing done in every State, and through a series of years. By seizing the days when the winds centred in any part of the United States, we might, in time, have come to some of the causes which determine the direction

of the winds, which I suspect to be very various. But this long-winded project was prevented by the war which came upon us, and since that I have been far otherwise engaged. I am sure you will have viewed the subject from much higher ground, and I shall be happy to learn your views in some of the hours of *delassement*, which I hope we are yet to pass together. To this must be added your observations on the new character of man, which you have seen in your journey, as he is in all his shapes a curious animal, on whom no one is better qualified to judge than yourself; and no one will be more pleased to participate of your views of him than one, who has the pleasure of offering you his sentiments of sincere respect and esteem.

TO HENRY TAZEWELL.

MONTICELLO, January 16, 1797.

DEAR SIR,—As far as the public papers are to be credited, I may suppose that the choice of Vice-President has fallen on me. On this hypothesis I trouble you, and only pray, if it be wrong, that you will consider this letter as not written. I believe it belongs to the Senate to notify the Vice-President of his election. I recollect to have heard, that on the first election of President and Vice-President, gentlemen of considerable office were sent to notify the parties chosen. But this was the inauguration of our new government, and ought not to be drawn into exam-

ple. At the second election, both gentlemen were on the spot and needed no messengers. On the present occasion, the President will be on the spot, so that what is now to be done respects myself alone; and considering that the season of notification will always present one difficulty, that the distance in the present case adds a second, not inconsiderable, and which may in future happen to be sometimes much more considerable, I hope the Senate will adopt that method of notification, which will always be least troublesome and most certain. The channel of the post is certainly the least troublesome, is the most rapid, and, considering also that it may be sent by duplicates and triplicates, is unquestionably the most certain. Indorsed to the postmaster at Charlottesville, with an order to send it by express, no hazard can endanger the notification. Apprehending, that should there be a difference of opinion on this subject in the Senate, my ideas of self-respect might be supposed by some to require something more formal and inconvenient, I beg leave to avail myself of your friendship to declare, if a different proposition should make it necessary, that I consider the channel of the post-office as the most eligible in every respect, and that it is to me the most desirable; which I take the liberty of expressing, not with a view of encroaching on the respect due to that discretion which the Senate have a right to exercise on the occasion, but to render them the more free in the exercise of it, by taking off whatsoever weight the

supposition of a contrary desire in me might have on the mind of any member.

I am, with sincere respect, dear Sir, your friend and servant.

TO JAMES MADISON.

MONTICELLO, January 22, 1797.

DEAR SIR,—Yours of the 8th came to hand yesterday. I was not aware of any necessity of going on to Philadelphia immediately, yet I had determined to do it, as a mark of respect to the public, and to do away the doubts which have spread, that I should consider the second office as beneath my acceptance. The journey, indeed, for the month of February, is a tremendous undertaking for me, who have not been seven miles from home since my re-settlement. I will see you about the rising of Congress; and presume I need not stay there a week. Your letters written before the 7th of February will still find me here. My letters inform me that Mr. Adams speaks of me with great friendship, and with satisfaction in the prospect of administering the government in concurrence with me. I am glad of the first information, because though I saw that our ancient friendship was affected by a little leaven, produced partly by his constitution, partly by the contrivance of others, yet I never felt a diminution of confidence in his integrity, and retained a solid affection for him. His principles of government I knew to be changed, but con-

scientiously changed. As to my participating in the administration, if by that he meant the executive cabinet, both duty and inclination will shut that door to me. I cannot have a wish to see the scenes of 1793 revived as to myself, and to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict. As to duty, the Constitution will know me only as the member of a legislative body; and its principle is, that of a separation of legislative, executive and judiciary functions, except in cases specified. If this principle be not expressed in direct terms, yet it is clearly the spirit of the Constitution, and it ought to be so commented and acted on by every friend to free government.

I sincerely deplore the situation of our affairs with France. War with them, and consequent alliance with Great Britain, will completely compass the object of the executive council, from the commencement of the war between France and England; taken up by some of them from that moment, by others, more latterly. I still, however, hope it will be avoided. I do not believe Mr. Adams wishes war with France; nor do I believe he will truckle to England as servilely as has been done. If he assumes this front at once, and shows that he means to attend to self-respect and national dignity with both the nations, perhaps the depredations of both on our commerce may be amicably arrested. I think we should begin first with those who first began with us, and, by an example on them, acquire

a right to re-demand the respect from which the other party has departed.

I suppose you are informed of the proceeding commenced by the legislature of Maryland, to claim the south branch of the Potomac as their boundary, and thus of Albemarle, now the central county of the State, to make a frontier. As it is impossible, upon any consistent principles, and after such a length of undisturbed possession, that they can expect to establish their claim, it can be ascribed to no other than an intention to irritate and divide; and there can be no doubt from what bow the shaft is shot. However, let us cultivate Pennsylvania, and we need not fear the universe. The Assembly have named me among those who are to manage this controversy. But I am so averse to motion and contest, and the other members are so fully equal to the business, that I cannot undertake to act in it. I wish you were added to them. Indeed, I wish and hope you may consent to be added to our Assembly itself. There is no post where you can render greater services, without going out of your State. Let but this block stand firm on its basis, and Pennsylvania do the same, our Union will be perpetual, and our General Government kept within the bounds and form of the Constitution. Adieu affectionately.

TO GEORGE WYTHE.

MONTICELLO, January 22, 1797.

It seems probable that I will be called on to preside in a legislative chamber. It is now so long since I have acted in the legislative line, that I am entirely rusty in the Parliamentary rules of procedure. I know they have been more studied and are better known by you than by any man in America, perhaps by any man living. I am in hopes that while inquiring into the subject you made notes on it. If any such remain in your hands, however informal, in books or in scraps of paper, and you will be so good as to trust me with them a little while, they shall be most faithfully returned. If they lie in small compass they might come by post, without regard to expense. If voluminous, Mr. Randolph will be passing through Richmond on his way from Varina to this place about the 10th of February, and could give them a safe conveyance. Did the Assembly do anything for the preservation by publication of the laws? With great affection, adieu.

TO JOHN LANGDON.

MONTICELLO, January 22, 1797.

DEAR SIR,—Your friendly letter of the 2d instant, never came to hand till yesterday, and I feel myself indebted for the solicitude you therein express for my undertaking the office to which you inform me

I am called. I know not from what source an idea has spread itself, which I have found to be generally spread, that I would accept the office of President of the United States, but not of Vice-President. When I retired from the office I last held, no man in the Union less expected than I did, ever to have come forward again; and, whatever has been insinuated to the contrary, to no man in the Union was the share which my name bore in the late contest, more unexpected than it was to me. If I had contemplated the thing beforehand, and suffered my will to enter into action at all on it, it would have been in a direction exactly the reverse of what has been imputed to me; but I had no right to a will on the subject, much less to control that of the people of the United States in arranging us according to our capacities. Least of all could I have any feelings which would revolt at taking a station secondary to Mr. Adams. I have been secondary to him in every situation in which we ever acted together in public life for twenty years past. A contrary position would have been the novelty, and his the right of revolting at it. Be assured, then, my dear Sir, that if I had had a fibre in my composition still looking after public office, it would have been gratified precisely by the very call you are pleased to announce to me, and no other. But in truth I wish for neither honors nor offices. I am happier at home than I can be elsewhere. Since, however, I am called out, an object of great anxiety to me is that those with whom

I am to act, shutting their minds to the unfounded abuse of which I have been the subject, will view me with the same candor with which I shall certainly act. An acquaintance of many long years ensures to me your just support, as it does to you the sentiments of sincere respect and attachment with which I am, dear Sir, your friend and servant.

TO DOCTOR JOHN EDWARDS.

MONTICELLO, January 22, 1797.

DEAR SIR,—I was yesterday gratified with the receipt of your favor of December 15th, which gave me the first information of your return from Europe. On the 20th of October I received a letter of July 30th from Colonel Monroe, but did not know through what channel it came. I should be glad to see the defence of his conduct which you possess, though no paper of that title is necessary for me. He was appointed to an office during pleasure merely to get him out of the Senate, and with an intention to seize the first pretext for exercising the pleasure of recalling him. As I shall be at Philadelphia the first week in March, perhaps I may have an opportunity of seeing the paper there in Mr. Madison's hands. I think with you it will be best to publish nothing concerning Colonel Monroe till his return, that he may accommodate the complexion of his publication to times and circumstances. When you left America you had not a good opinion of the train of our affairs.

I dare say you do not find that they have got into better train. It will never be easy to convince me that by a firm yet just conduct in 1793, we might not have obtained such a respect for our neutral rights from Great Britain, as that her violations of them and use of our means to all her wars, would not have furnished any pretence to the other party to do the same. War with both would have been avoided, commerce and navigation protected and enlarged. We shall now either be forced into a war, or have our commerce and navigation at least totally annihilated, and the produce of our farms for some years left to rot on our hands. A little time will unfold these things, and show which class of opinions would have been most friendly to the firmness of our government, and to the interests of those for whom it was made. I am, with great respect, dear Sir, your most obedient servant.

TO DOCTOR BENJAMIN RUSH.

MONTICELLO, January 22, 1797.

DEAR SIR,—I received yesterday your kind favor of the 4th instant, and the eulogium it covered on the subject of our late invaluable friend Rittenhouse, and I perused it with the avidity and approbation which the matter and manner of everything from your pen have long taught me to feel. I thank you too for your congratulations on the public call on me to undertake the second office in the United

States, but still more for the justice you do me in viewing as I do the *escape* from the first. I have no wish to meddle again in public affairs, being happier at home than I can be anywhere else. Still less do I wish to engage in an office where it would be impossible to satisfy either friends or foes, and least of all at a moment when the storm is about to burst, which has been conjuring up for four years past. If I am to act however, a more tranquil and unoffending station could not have been found for me, nor one so analogous to the dispositions of my mind. It will give me philosophical evenings in the winter, and rural days in summer. I am indebted to the Philosophical Society a communication of some bones of an animal of the lion kind, but of most exaggerated size. What are we to think of a creature whose claws were eight inches long, when those of the lion are not 1½ inches; whose thigh-bone was 6¼ diameter; when that of the lion is not 1½ inches? Were not the things within the jurisdiction of the rule and compass, and of ocular inspection, credit to them could not be obtained. I have been disappointed in getting the femur as yet, but shall bring on the bones I have, if I can, for the Society, and have the pleasure of seeing you for a few days in the first week of March. I wish the usual delays of the publications of the Society may admit the addition to our new volume, of this interesting article, which it would be best to have first announced under the sanction of their authority. I

am, with sincere esteem, dear Sir, your friend and servant.

TO JAMES MADISON.

MONTICELLO, January 30, 1797.

Yours of the 18th came to hand yesterday. I am very thankful for the discretion you have exercised over the letter. That has happened to be the case, which I knew to be possible, that the honest expression of my feelings towards Mr. Adams might be rendered *mal-apropos* from circumstances existing, and known at the seat of government, but not known by me in my retired situation. Mr. Adams and myself were cordial friends from the beginning of the revolution. Since our return from Europe, some little incidents have happened, which were capable of affecting a jealous mind like his. His deviation from that line of politics on which we had been united, has not made me less sensible of the rectitude of his heart; and I wished him to know this, and also another truth, that I am sincerely pleased at having escaped the late draught for the helm, and have not a wish which he stands in the way of. That he should be convinced of these truths, is important to our mutual satisfaction, and perhaps to the harmony and good of the public service. But there was a difficulty in conveying them to him, and a possibility that the attempt might do mischief there or somewhere else; and I would not have hazarded the

attempt, if you had not been in place to decide upon its expediency. It has now become unnecessary to repeat it by a letter.

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I have turned to the Constitution and laws, and find nothing to warrant the opinion that I might not have been qualified here, or wherever else I could meet with a Senator; any member of that body being authorized to administer the oath, without being confined to time or place, and consequently to make a record of it, and to deposit it with the records of the Senate. However, I shall come on, on the principle which had first determined me,—respect to the public. I hope I shall be made a part of no ceremony whatever. If Governor Mifflin should show any symptoms of ceremony, pray contrive to parry them. We have now fine mild weather here. The thermometer is above the point which renders fires necessary. Adieu affectionately.

TO JAMES SULLIVAN.

MONTICELLO, February 9, 1797.

DEAR SIR,—I have many acknowledgments to make for the friendly anxiety you are pleased to express in your letter of January the 12th, for my undertaking the office to which I have been elected. The idea that I would accept the office of President, but not that of Vice-President of the United States, had not its origin with me. I never thought of ques-

tioning the free exercise of the right of my fellow-citizens, to marshal those whom they call into their service according to their fitness, nor ever presumed that they were not the best judges of that. Had I indulged a wish in what manner they should dispose of me, it would precisely have coincided with what they have done. Neither the splendor, nor the power, nor the difficulties, nor the fame or defamation, as may happen, attached to the first magistracy, have any attractions for me. The helm of a free government is always arduous, and never was ours more so, than at a moment when two friendly people are like to be committed in war by the ill temper of their administrations. I am so much attached to my domestic situation, that I would not have wished to leave it at all. However, if I am to be called from it, the shortest absences and most tranquil station suit me best. I value highly, indeed, the part my fellow-citizens gave me in their late vote, as an evidence of their esteem, and I am happy in the information you are so kind as to give, that many in the eastern quarter entertain the same sentiment.

Where a constitution, like ours, wears a mixed aspect of monarchy and republicanism, its citizens will naturally divide into two classes of sentiment, according as their tone of body or mind, their habits, connections and callings, induce them to wish to strengthen either the monarchical or the republican features of the constitution. Some will consider it

as an elective monarchy, which had better be made hereditary, and therefore endeavor to lead towards that all the forms and principles of its administration. Others will view it as an energetic republic, turning in all its points on the pivot of free and frequent elections. The great body of our native citizens are unquestionably of the republican sentiment. Foreign education, and foreign connections of interest, have produced some exceptions in every part of the Union, north and south, and perhaps other circumstances in your quarter, better known to you, may have thrown into the scale of exceptions a greater number of the rich. Still there, I believe, and here, I am sure, the great mass is republican. Nor do any of the forms in which the public disposition has been pronounced in the last half dozen years, evince the contrary. All of them, when traced to their true source, have only been evidences of the preponderant popularity of a particular great character. That influence once withdrawn, and our countrymen left to the operation of their own unbiased good sense, I have no doubt we shall see a pretty rapid return of general harmony, and our citizens moving in phalanx in the paths of regular liberty, order, and a sacrosanct adherence to the Constitution. Thus I think it will be, if war with France can be avoided. But if that untoward event comes athwart us in our present point of deviation, nobody, I believe, can foresee into what port it will drive us.

I am always glad of an opportunity of inquiring

after my most ancient and respected friend, Mr. Samuel Adams. His principles, founded on the immovable basis of equal right and reason, have continued pure and unchanged. Permit me to place here my sincere veneration for him, and wishes for his health and happiness; and to assure yourself of the sentiments of esteem and respect with which I am, dear Sir, your most obedient, and most humble servant.

TO PEREGRINE FITZHUGH, ESQ.

MONTICELLO, April 9, 1797.

DEAR SIR,—Your favor of March 25th came safely to hand, with the ——— of ——— covered, for which accept my thanks. A nephew of mine, Mr. S., who married a daughter of Mr. Carr, near Georgetown, setting out this day for that place, I have sent him some of the peas you desired, which he will enclose under cover to you, and lodge in the care of Mr. Thompson Mason. This letter goes separately by post, to notify you that you may call for them in time for the present season. I wish it were in my power to satisfy you with respect to the sentiments expressed by my friend Mr. Madison in the general Convention. But the papers in my possession are under a seal which I have not broken yet, and wish not to break, till I have time to give them a thorough perusal and consideration. Two things may be safely said: 1st. When a man whose life has been

marked by its candor, has given a latter opinion contrary to a former one, it is probably the result of further inquiry, reflection and conviction. This is a sound answer, if the contrariety of sentiment as to the treaty-making power were really expressed by him on the former and latter occasion, as was alleged to you. But, 2d. As no man weighs more maturely than Mr. Madison before he takes a side on any question, I do not expect he has changed either his opinion on that subject, or the expressions of it, and therefore I presume the allegation founded in some misconception or misinformation. I have just received a summons to *Congress* for the 15th of next month. I am sorry for it, as everything pacific could have been done without *Congress*, and I hope nothing is contemplated which is not pacific. I wish I may be as fortunate in my travelling companions as I was the last trip. I hope you found your father and family well; present him, if you please, the respectful homage of one who knew him when too young probably to have been known by him, and accept yourself assurances of the great esteem of, dear Sir, your most obedient humble servant.

TO ELBRIDGE GERRY.

PHILADELPHIA, May 13, 1797.

MY DEAR FRIEND,—Your favor of the 4th instant came to hand yesterday. That of the 4th of April, with the one for Monroe, has never been received.

The first, of March 27th, did not reach me till April the 21st, when I was within a few days of setting out for this place, and I put off acknowledging it till I should come here. I entirely commend your dispositions towards Mr. Adams; knowing his worth as intimately and esteeming it as much as any one, and acknowledging the preference of his claims, if any I could have had, to the high office conferred on him. But in truth, I had neither claims nor wishes on the subject, though I know it will be difficult to obtain belief of this. When I retired from this place and the office of Secretary of State, it was in the firmest contemplation of never more returning here. There had indeed been suggestions in the public papers, that I was looking towards a succession to the President's chair, but feeling a consciousness of their falsehood, and observing that the suggestions came from hostile quarters, I considered them as intended merely to excite public odium against me. I never in my life exchanged a word with any person on the subject, till I found my name brought forward generally, in competition with that of Mr. Adams. Those with whom I then communicated, could say, if it were necessary, whether I met the call with desire, or even with a ready acquiescence, and whether from the moment of my first acquiescence, I did not devoutly pray that the very thing might happen which has happened. The second office of the government is honorable and easy, the first is but a splendid misery.

You express apprehensions that stratagems will be used, to produce a misunderstanding between the President and myself. Though not a word having this tendency has ever been hazarded to me by any one, yet I consider as a certainty that nothing will be left untried to alienate him from me. These machinations will proceed from the Hamiltonians by whom he is surrounded, and who are only a little less hostile to him than to me. It cannot but damp the pleasure of cordiality, when we suspect that it is suspected. I cannot help thinking, that it is impossible for Mr. Adams to believe that the state of my mind is what it really is; that he may think I view him as an obstacle in my way. I have no supernatural power to impress truth on the mind of another, nor he any to discover that the estimate which he may form, on a just view of the human mind as generally constituted, may not be just in its application to a special constitution. This may be a source of private uneasiness to us; I honestly confess that it is so to me at this time. But neither of us is capable of letting it have effect on our public duties. Those who may endeavor to separate us, are probably excited by the fear that I might have influence on the executive councils; but when they shall know that I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations, even were it proposed, their fears may perhaps subside, and their object be found not worth a machination.

I do sincerely wish with you, that we could take our stand on a ground perfectly neutral and independent towards all nations. It has been my constant object through my public life; and with respect to the English and French, particularly, I have too often expressed to the former my wishes, and made to them propositions verbally and in writing, officially and privately, to official and private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written and formal proofs, in my own handwriting. But they have wished a monopoly of commerce and influence with us; and they have in fact obtained it. When we take notice that theirs is the workshop to which we go for all we want; that with them centre either immediately or ultimately all the labors of our hands and lands; that to them belongs either openly or secretly the great mass of our navigation; that even the factorage of their affairs here, is kept to themselves by factitious citizenships; that these foreign and false citizens now constitute the great body of what are called our merchants, fill our sea ports, are planted in every little town and district of the interior country, sway everything in the former places by their own votes, and those of their dependants, in the latter, by their insinuations and the influence of their ledgers; that they are advancing fast to a monopoly of our banks and public funds, and thereby placing our public finances under their control; that they

have in their alliance the most influential characters in and out of office; when they have shown that by all these bearings on the different branches of the government, they can force it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to, it is impossible for us to say we stand on independent ground, impossible for a free mind not to see and to groan under the bondage in which it is bound. If anything after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens, as to fix on those who wish merely to recover self-government the charge of subserving one foreign influence, because they resist submission to another. But they possess our printing presses, a powerful engine in their government of us. At this very moment, they would have drawn us into a war on the side of England, had it not been for the failure of her bank. Such was their open and loud cry, and that of their gazettes till this event. After plunging us in all the broils of the European nations, there would remain but one act to close our tragedy, that is, to break up our Union; and even this they have ventured seriously and solemnly to propose and maintain by arguments in a Connecticut paper. I have been happy, however, in believing, from the stifling of this effort, that that dose was found too strong, and excited as much repugnance there as it did horror in other parts of our country, and that

whatever follies we may be led into as to foreign nations, we shall never give up our Union, the last anchor of our hope, and that alone which is to prevent this heavenly country from becoming an arena of gladiators. Much as I abhor war, and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of Europe, I would yet go with my brethren into these, rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thraldom, and that time may be given us to reflect on the awful crisis we have passed through, and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the old world.

A perfect confidence that you are as much attached to peace and union as myself, that you equally prize independence of all nations, and the blessings of self-government, has induced me freely to unbosom myself to you, and let you see the light in which I have viewed what has been passing among us from the beginning of the war. And I shall be happy, at all times, in an intercommunication of sentiments with you, believing that the dispositions of the different parts of our country have been considerably misrepresented and misunderstood in each part, as to the other, and that nothing but good can result

from an exchange of information and opinions between those whose circumstances and morals admit no doubt of the integrity of their views.

I remain, with constant and sincere esteem, dear Sir, your affectionate friend and servant.

TO COLONEL BELL.

PHILADELPHIA, May 18, 1797.

DEAR SIR,—I enclose you a copy of the President's speech at the opening of Congress, from which you will see what were the objects in calling us together. When we first met, our information from the members from all parts of the Union, was that peace was the universal wish. Whether they will now raise their tone to that of the Executive, and embark in all the measures indicative of war, and, by taking a threatening posture, provoke hostilities from the opposite party, is far from being certain. There are many who think, that, not to support the Executive, is to abandon Government. As far as we can judge as yet, the changes in the late election have been unfavorable to the republican interest; still, we hope they will neither make nor provoke war. There appears no probability of any embargo, general or special; the bankruptcy of the English Bank is admitted to be complete, and nobody scarcely will venture to buy or draw bills, lest they should be paid there in depreciated currency. They prefer remitting dollars, for which they will get an advanced

price; but this will drain us of our specie. Good James river tobacco is 8½ to 9 dollars, flour 8½ to 9 dollars, wheat not salable. The bankruptcies have been immense, but are rather at a stand. Be so good as to make known to our commercial friends of your place and Milton, the above commercial intelligence. Adieu.

P. S.—Take care that nothing from my letter gets into the newspapers

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TO MR. GIROUD.

PHILADELPHIA, May 22, 1797.

SIR,—I received at this place, from Mr. Bache, the letter of 20th Germinal, with the seeds of the bread-tree which you were so kind as to send me. I am happy that the casual circumstances respecting Oglethorpe's affairs, has led to this valuable present, and I shall take immediate measures to improve the opportunity it gives us of introducing so precious a plant into our Southern States. The successive supplies of the same seeds which you are kind enough to give me expectations of receiving from you, will, in like manner, be thankfully received, and distributed to those persons and places most likely to render the experiment successful. One service of this kind rendered to a nation, is worth more to them than all the victories of the most splendid pages of their history, and becomes a

source of exalted pleasure to those who have been instrumental to it. May that pleasure be yours, and your name be pronounced with gratitude by those who will at some future time be tasting the sweets of the blessings you are now procuring them. With my thanks for this favor, accept assurances of the sentiments of esteem and regard with which I am, etc.

TO THOMAS PINCKNEY.

PHILADELPHIA, May 29, 1797.

DEAR SIR,—I received from you, before you left England, a letter enclosing one from the Prince of Parma. As I learnt soon after that you were shortly to return to America, I concluded to join my acknowledgments of it with my congratulations on your arrival; and both have been delayed by a blamable spirit of procrastination, forever suggesting to our indolence that we need not do to-day what may be done to-morrow. Accept these now, in all the sincerity of my heart. It is but lately I have answered the Prince's letter. It required some time to establish arrangements which might effect his purpose, and I wished also to forward a particular article or two of curiosity. You have found on your return a higher style of political difference than you had left here. I fear this is inseparable from the different constitutions of the human mind, and that degree of freedom which

permits unrestrained expression. Political dissension is doubtless a less evil than the lethargy of despotism, but still it is a great evil, and it would be as worthy the efforts of the patriot as of the philosopher, to exclude its influence, if possibly, from social life. The good are rare enough at best. There is no reason to subdivide them by artificial lines. But whether we shall ever be able so far to perfect the principles of society, as that political opinions shall, in its intercourse, be as inoffensive as those of philosophy, mechanics, or any other, may be well doubted. Foreign influence is the present and just object of public hue and cry, and, as often happens, the most guilty are foremost and loudest in the cry. If those who are truly independent, can so trim our vessel as to beat through the waves now agitating us, they will merit a glory the greater as it seems less possible. When I contemplate the spirit which is driving us on here, and that beyond the water which will view us as but a mouthful the more, I have little hope of peace. I anticipate the burning of our sea ports, havoc of our frontiers, household insurgency, with a long train of et ceteras, which is enough for a man to have met once in his life. The exchange, which is to give us new neighbors in Louisiana (probably the present French armies when disbanded) has opened us to a combination of enemies on that side where we are most vulnerable. War is not the best engine for us to resort to, nature has given us one in our com-

merce, which, if properly managed, will be a better instrument for obliging the interested nations of Europe to treat us with justice. If the commercial regulations had been adopted which our Legislature were at one time proposing, we should at this moment have been standing on such an eminence of safety and respect as ages can never recover. But having wandered from that, our object should now be to get back, with as little loss as possible, and, when peace shall be restored to the world, endeavor so to form our commercial regulations as that justice from other nations shall be their mechanical result. I am happy to assure you that the conduct of Gen. Pinckney has met universal approbation. It is marked with that coolness, dignity, and good sense which we expected from him. I am told that the French government had taken up an unhappy idea, that Monroe was recalled for the candor of his conduct in what related to the British treaty, and Gen. Pinckney was sent as having other dispositions towards them. I learn further, that some of their well-informed citizens here are setting them right as to Gen. Pinckney's dispositions, so well known to have been just towards them; and I sincerely hope, not only that he may be employed as Envoy Extraordinary to them, but that their minds will be better prepared to receive him. I candidly acknowledge, however, that I do not think the speech and addresses of Congress as conciliatory as the preceding irritations on both sides would have

rendered wise. I shall be happy to hear from you at all times, to make myself useful to you whenever opportunity offers, and to give every proof of the sincerity of the sentiments of esteem and respect with which I am, dear Sir, your most obedient, and most humble servant.

TO GENERAL GATES.

PHILADELPHIA, May 30, 1797.

DEAR GENERAL,—I thank you for the pamphlet of Erskine enclosed in your favor of the 9th instant, and still more for the evidence which your letter affords me of the health of your mind, and I hope of your body also. Erskine has been reprinted here, and has done good. It has refreshed the memory of those who had been willing to forget how the war between France and England had been produced; and who, aping St. James', called it a defensive war on the part of England. I wish any events could induce us to cease to copy such a model, and to assume the dignity of being original. They had their paper system, stockjobbing, speculations, public debt, moneyed interest, etc., and all this was contrived for us. They raised their cry against jacobinism and revolutionists, we against democratic societies and anti-federalists; their alarmists sounded insurrection, ours marched an army to look for one, but they could not find it. I wish the parallel may stop here, and that we may avoid,

instead of imitating, a general bankruptcy and disastrous war.

Congress, or rather the Representatives, have been a fortnight debating between a more or less irritating answer to the President's speech. The latter was lost yesterday, by forty-eight against fifty-one or fifty-two. It is believed, however, that when they come to propose measures leading directly to war, they will lose some of their numbers. Those who have no wish but for the peace of their country, and its independence of all foreign influence, have a hard struggle indeed, overwhelmed by a cry as loud and imposing as if it were true, of being under French influence, and this raised by a faction composed of English subjects residing among us, or such as are English in all their relations and sentiments. However, patience will bring all to rights, and we shall both live to see the mask taken from their faces, and our citizens sensible on which side true liberty and independence are sought. Should any circumstance draw me further from home, I shall with great cordiality pay my respects to you at Rose Hill, and am not without hope of meeting you here some time.

Here, there, and everywhere else, I am with great and sincere attachment and respect, your friend and servant.

TO JAMES MADISON.

PHILADELPHIA, June 1, 1797.

DEAR SIR,—I wrote you on the 18th of May. The address of the Senate was soon after that. The first draught was responsive to the speech, and higher toned. Mr. Henry arrived the day it was reported; the addressers had not yet their strength around them. They listened therefore to his objections, recommitted the papers, added him and Tazewell to the committee, and it was reported with considerable alterations; but one great attack was made on it, which was to strike out the clause approving everything heretofore done by the executive. This clause was retained by a majority of four. They received a new accession of members, held a caucus, took up all the points recommended in the speech, except the raising money, agreed the list of every committee, and on Monday passed the resolutions and appointed the committees, by an uniform vote of seventeen to eleven. (Mr. Henry was accidentally absent; Ross not then come.) Yesterday they took up the nomination of John Quincy Adams to Berlin, which had been objected to as extending our diplomatic establishment. It was approved by eighteen to fourteen. (Mr. Tatnall accidentally absent.) From the proceedings we are able to see, that eighteen on the one side and ten on the other, with two wavering votes, will decide every question. Schuyler is too ill to come

this session, and Gunn has not yet come. Pinckney (the General), John Marshall and Dana are nominated Envoys Extraordinary to France. Chas. Lee consulted a member from Virginia to know whether Marshall would be agreeable. He named you, as more likely to give satisfaction. The answer was, "Nobody of Mr. Madison's way of thinking will be appointed."

The Representatives have not yet got through their addresses. An amendment of Mr. Nicholas', which you will have seen in the papers, was lost by a division of forty-six to fifty-two. A clause by Mr. Dayton, expressing a wish that France might be put on an equal footing with other nations, was inserted by fifty-two against forty-seven. This vote is most worthy of notice, because the moderation and justice of the proposition being unquestionable, it shows that there are forty-seven decided to go to all lengths to[1] * * * * * * They have received a new orator from the district of Mr. Ames. He is the son of the Secretary of the Senate. They have an accession from South Carolina also, that State being exactly divided. In the House of Representatives I learned the following facts, which give me real concern. When the British treaty arrived at Charleston, a meeting, as you know, was called, and a committee of seventeen appointed, of whom General Pinckney was one. He did not attend. They waited for him,

[1] A few lines are here illegible.

sent for him; he treated the mission with great hauteur, and disapproved of their meddling. In the course of the subsequent altercations, he declared that his brother, T. Pinckney, approved of every article of the treaty, under the existing circumstances, and since that time, the politics of Charleston have been assuming a different hue. Young Rutledge joining Smith and Harper, is an ominous fact as to that whole interest.

Tobacco is at nine dollars, and flour very dull of sale. A great stagnation in commerce generally. During the present bankruptcy in England, the merchants seem disposed to lie on their oars. It is impossible to conjecture the rising of Congress, as it will depend on the system they decide on; whether of preparation for war, or inaction. In the vote of forty-six to fifty-two, Morgan, Machir and Evans were of the majority, and Clay kept his seat, refusing to vote with either. In that of forty-seven to fifty-two, Evans was the only one of our delegation who voted against putting France on an equal footing with other nations.

P. M. So far, I had written in the morning. I now take up my pen to add, that the addresses having been reported to the House, it was moved to disagree to so much of the amendment as went to the putting France on an equal footing with other nations, and Morgan and Machir turning tail, (in consequence, as is said, of having been closeted last night by Charles Lee,) the vote was forty-nine to fifty. So

the principle was saved by a single vote. They then proposed that compensations for spoliations shall be a *sine qua non*, and this will be decided on to-morrow. Yours affectionately.

TO FRENCH STROTHER, ESQ.

PHILADELPHIA, June 8, 1797.

DEAR SIR,—In compliance with the desire you expressed in the few short moments I had the pleasure of being with you at Fredericksburg, I shall give you some account of what is passing here. The President's speech you will have seen; and how far its aspect was turned towards war. Our opinion here is that the Executive had that in contemplation, and were not without expectation that the Legislature might catch the flame. A powerful part of that has shown a disposition to go all lengths with the Executive; and they have been able to persuade some of more moderate principles to go so far with them as to join them in a very sturdy address. They have voted the completing and manning the three frigates, and going on with the fortifications. The Senate have gone much further, they have brought in bills for buying more armed vessels, sending them and the frigates out as convoys to our trade, raising more cavalry, more artillerists, and providing a great army, to come into active service only, if necessary. They have not decided whether they will permit the merchants to arm. The hope and

belief is that the Representatives will concur in none of these measures, though their divisions hitherto have been so equal as to leave us under doubt and apprehension. The usual majorities have been from one to six votes, and these sometimes one way, sometimes the other. Three of the Virginia members dividing from their colleagues occasion the whole difficulty. If they decline these measures, we shall rise about the 17th instant. It appears that the dispositions of the French government towards us wear a very angry cast indeed, and this before Pickering's letter to Pinckney was known to them. We do not know what effect that may produce. We expect Paine every day in a vessel from Havre, and Colonel Monroe in one from Bordeaux. Tobacco keeps up at a high price and will still rise; flour is dull at $7.50. I am, with great esteem, dear Sir, your friend and servant.

TO JAMES MADISON.

PHILADELPHIA, June 15, 1797.—A. M.

My last was of the 8th instant. I had enclosed you separately a paper giving you an account of Bonaparte's last great victory. Since which, we receive information that the preliminaries of peace were signed between France and Austria. Mr. Hammond will have arrived at Vienna too late to influence terms. The victories lately obtained by the French on the Rhine, were as splendid as Bonaparte's.

The mutiny on board the English fleet, though allayed for the present, has impressed that country with terror. King has written letters to his friends recommending a pacific conduct towards France, notwithstanding the continuance of her injustices. Volney is convinced France will not make peace with England, because it is such an opportunity of sinking her as she never had and may not have again. Bonaparte's army would have to march seven hundred miles to Calais. Therefore, it is imagined that the armies of the Rhine will be destined for England. The Senate yesterday rejected on its second reading their own bill for raising four more companies of light dragoons, by a vote of 15 to 13. Their cost would have been about $120,000 a year. To-day the bill for manning the frigates and buying nine vessels (about $60,000 each,) comes to its third reading. Some flatter us we may throw it out. The trial will be in time to mention the issue herein. The bills for preventing our citizens from engaging in armed vessels of either party, and for prohibiting exportation of arms and ammunition, have passed both Houses. The fortification bill is before the Representatives still. It is thought by many that with all the mollifying clauses they can give it, it may perhaps be thrown out. They have a separate bill for manning the three frigates, but its fate is uncertain. These are probably the ultimate measures which will be adopted, if even these will be adopted. The folly

of the convocation of Congress at so inconvenient a season and an expense of $60,000, is now palpable to everybody; or rather it is palpable that war was the object, since, that being out of the question, it is evident there is nothing else. However, nothing less than the miraculous string of events which have taken place, to wit, the victories of the Rhine and Italy, peace with Austria, bankruptcy of England, mutiny in her fleet, and King's writing letters recommending peace, could have cooled the fury of the British faction. Even all that will not prevent considerable efforts still in both parties to show our teeth to France. We had hoped to have risen this week. It is now talked of for the 24th, but it is impossible yet to affix a time. I think I cannot omit being at our court (July 3,) whether Congress rises or not. If so, I shall be with you on the Friday or Saturday preceding. I have a couple of pamphlets for you, (Utrum Horum, and Paine's Agrarian Justice,) being the only things since Erskine which have appeared worth notice. Besides Bache's paper there are two others now accommodated to country circulation. Grile's (successor of Oswald) twice a week without advertisements at four dollars. His debates in Congress are the same with Claypole's. Also Smith proposes to issue a paper once a week, of news only, and an additional sheet while Congress shall be in session, price four dollars. The best daily papers now are Bradford's compiled by Loyd, and Marshland and Cary's. Claypole's you know.

Have you remarked the pieces signed Fabius? they are written by John Dickinson.

P. M. The bill before the Senate for equipping the three frigates, and buying nine vessels of not more than twenty guns, has this day passed on its third reading by 16 against 13. The fortification bill before the Representatives as amended in committee of the whole, passed to its third reading by 48 against 41. Adieu affectionately, with my best respects to Mrs. Madison.

TO COLONEL AARON BURR.

PHILADELPHIA, June 17, 1797.

DEAR SIR,—The newspapers give so minutely what is passing in Congress, that nothing of detail can be wanting for your information. Perhaps, however, some general view of our situation and prospects, since you left us, may not be unacceptable. At any rate, it will give me an opportunity of recalling myself to your memory, and of evidencing my esteem for you. You well know how strong a character of division had been impressed on the Senate by the British treaty. Common error, common censure, and common efforts of defence had formed the treaty majority into a common band, which feared to separate even on other subjects. Towards the close of the last Congress, however, it had been hoped that their ties began to loosen, and their phalanx to separate a little. This hope

was blasted at the very opening of the present session, by the nature of the appeal which the President made to the nation; the occasion for which had confessedly sprung from the fatal British treaty. This circumstance rallied them again to their standard, and hitherto we have had pretty regular treaty votes on all questions of principle. And indeed I fear, that as long as the same individuals remain, so long we shall see traces of the same division. In the House of Representatives the republican body has also lost strength. The non-attendance of five or six of that description, has left the majority very equivocal indeed. A few individuals of no fixed system at all, governed by the panic or the prowess of the moment, flap as the breeze blows against the republican or the aristocratic bodies, and give to the one or the other a preponderance entirely accidental. Hence the dissimilar aspect of the address, and of the proceedings subsequent to that. The inflammatory composition of the speech excited sensations of resentment which had slept under British injuries, threw the wavering into the war scale, and produced the war address. Bonaparte's victories and those on the Rhine, the Austrian peace, British bankruptcy, mutiny of the seamen, and Mr. King's exhortations to pacific measures, have cooled them down again, and the scale of peace preponderates. The threatening propositions therefore, founded in the address, are abandoned one by one, and the cry begins now

to be, that we have been called together to do nothing. The truth is, there is nothing to do, the idea of war being scouted by the events of Europe; but this only proves that war was the object for which we were called. It proves that the executive temper was for war; and that the convocation of the Representatives was an experiment of the temper of the nation, to see if it was in unison. Efforts at negotiation indeed were promised; but such a promise was as difficult to withhold, as easy to render nugatory. If negotiation alone had been meant, that might have been pursued without so much delay, and without calling the Representatives; and if strong and earnest negotiation had been meant, the additional nomination would have been of persons strongly and earnestly attached to the alliance of 1778. War then was intended. Whether abandoned or not, we must judge from future indications and events; for the same secrecy and mystery are affected to be observed by the present, which marked the former administration. I had always hoped, that the popularity of the late President being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the executive and legislative departments, which had been destroyed by the superior weight and effect of that popularity; and that their natural feelings of moral obligation would discountenance the ungrateful predilection of the executive in favor of Great Britain. But unfortu-

nately, the preceding measures had already alienated the nation who were the object of them, had excited reaction from them, and this reaction has on the minds of our citizens an effect which supplies that of the Washington popularity. This effect was sensible on some of the late congressional elections, and this it is which has lessened the republican majority in Congress. When it will be reinforced must depend on events, and these are so incalculable, that I consider the future character of our republic as in the air; indeed its future fortune will be in the air, if war is made on us by France, and if Louisiana becomes a Gallo-American colony.

I have been much pleased to see a dawn of change in the spirit of your State. The late elections have indicated something, which, at a distance, we do not understand. However, what with the English influence in the lower, and the Patroon influence in the upper part of your State, I presume little is to be hoped. If a prospect could be once opened upon us of the penetration of truth into the eastern States; if the people there, who are unquestionably republicans, could discover that they have been duped into the support of measures calculated to sap the very foundations of republicanism, we might still hope for salvation, and that it would come, as of old, from the east. But will that region ever awake to the true state of things? Can the middle, southern and western States hold on till they awake? These are painful and doubtful questions; and if,

in assuring me of your health, you can give me a comfortable solution of them, it will relieve a mind devoted to the preservation of our republican government in the true form and spirit in which it was established, but almost oppressed with apprehensions that fraud will at length effect what force could not, and that what with currents and countercurrents, we shall, in the end, be driven back to the land from which we launched twenty years ago. Indeed, my dear Sir, we have been but a sturdy fish on the hook of a dexterous angler, who, letting us flounce till we have spent our force, brings us up at last.

I am tired of the scene, and this day sen'night shall change it for one, where, to tranquillity of mind may be added pursuits of private utility, since none public are admitted by the state of things.

I am, with great and sincere esteem, dear Sir, your friend and servant.

P. S. Since writing the above, we have received a report that the French Directory has proposed a declaration of war against the United States to the Council of Ancients, who have rejected it. Thus we see two nations who love one another affectionately, brought by the ill temper of their executive administrations, to the very brink of a necessity to imbrue their hands in the blood of each other.

TO MR. ELBRIDGE GERRY.

PHILADELPHIA, June 21, 1797.

MY DEAR FRIEND,—It was with infinite joy to me, that you were yesterday announced to the Senate, as Envoy Extraordinary, jointly with General Pinckney and Mr. Marshall, to the French Republic. It gave me certain assurance that there would be a preponderance in the mission, sincerely disposed to be at peace with the French government and nation. Peace is undoubtedly at present the first object of our nation. Interest and honor are also national considerations. But interest, duly weighed, is in favor of peace even at the expense of spoliations past and future; and honor cannot now be an object. The insults and injuries committed on us by both the belligerent parties, from the beginning of 1793 to this day, and still continuing, cannot now be wiped off by engaging in war with one of them. As there is great reason to expect this is the last campaign in Europe, it would certainly be better for us to rub through this year, as we have done through the four preceding ones, and hope that on the restoration of peace, we may be able to establish some plan for our foreign connections more likely to secure our peace, interest and honor, in future. Our countrymen have divided themselves by such strong affections, to the French and the English, that nothing will secure us internally but a divorce from both nations; and this must be the

object of every real American, and its attainment is practicable without much self-denial. But for this, peace is necessary. Be assured of this, my dear Sir, that if we engage in a war during our present passions, and our present weakness in some quarters, our Union runs the greatest risk of not coming out of that war in the shape in which it enters it. My reliance for our preservation is in your acceptance of this mission. I know the tender circumstances which will oppose themselves to it. But its duration will be short, and its reward long. You have it in your power, by accepting and determining the character of the mission, to secure the present peace and eternal union of your country. If you decline, on motives of private pain, a substitute may be named who has enlisted his passions in the present contest, and by the preponderance of his vote in the mission may entail on us calamities, your share in which, and your feelings, will outweigh whatever pain a temporary absence from your family could give you. The sacrifice will be short, the remorse would be never ending. Let me, then, my dear Sir, conjure your acceptance, and that you will, by this act, seal the mission with the confidence of all parties. Your nomination has given a spring to hope, which was dead before.

I leave this place in three days, and therefore shall not here have the pleasure of learning your determination. But it will reach me in my retirement, and enrich the tranquillity of that scene. It will

add to the proofs which have convinced me that the man who loves his country on its own account, and not merely for its trappings of interest or power, can never be divorced from it, can never refuse to come forward when he finds that she is engaged in dangers which he has the means of warding off. Make then an effort, my friend, to renounce your domestic comforts for a few months, and reflect that to be a good husband and good father at this moment, you must be also a good citizen. With sincere wishes for your acceptance and success, I am, with unalterable esteem, dear Sir, your affectionate friend and servant.

TO JAMES MADISON.

PHILADELPHIA, June 22, 1797.

The Senate have this day rejected their own bill for raising a provisional army of 15,000 men. I think they will reject that for permitting private vessels to arm. The Representatives have thrown out the bill of the Senate for raising artillery. They (Wednesday) put off one forbidding our citizens to serve in foreign vessels of war till November, by a vote of fifty-two to forty-four. This day they came to a resolution proposing to the Senate to adjourn on Wednesday, the 28th, by a majority of four. Thus it is now perfectly understood that the convocation of Congress is substantially condemned by their several decisions that nothing is

to be done. I may be with you somewhat later than I expected, say from the 1st to the 4th. Preliminaries of peace between Austria and France are signed. *Wane* has declined the mission to France. Gerry is appointed in his room, being supported in Senate by the republican vote; six nays of the opposite description of Monroe or Payne. Adieu.

TO EDWARD RUTLEDGE.

PHILADELPHIA, June 24, 1797.

MY DEAR SIR,—I have to acknowledge your two favors of May the 4th and 19th, and to thank you for your attentions to the commissions for the peas and oranges, which I learn have arrived in Virginia. Your draft I hope will soon follow on Mr. John Barnes, merchant, here; who, as I before advised you, is directed to answer it.

When Congress first met, the assemblage of facts presented in the President's speech, with the multiplied accounts of spoliations by the French West Indians, appeared by sundry votes on the address, to incline a majority to put themselves in a posture of war. Under this influence the address was formed, and its spirit would probably have been pursued by corresponding measures, had the events of Europe been of an ordinary train. But this has been so extraordinary, that numbers have gone over to those, who, from the first, feeling with

sensibility the French insults, as they had felt those of England before, thought now as they thought then, that war measures should be avoided, and those of peace pursued. Their favorite engine, on the former occasion, was *commercial regulations*, in preference to negotiations, to war preparations and increase of debt. On the latter, as we have no commerce with France, the restriction of which could press on them, they wished for negotiation. Those of the opposite sentiment had, on the former occasion, preferred negotiation, but at the same time voted for great war preparations, and increase of debt; now also they were for negotiation, war preparations and debt. The parties have in debate mutually charged each other with inconsistency, and with being governed by an attachment to this or that of the belligerent nations, rather than the dictates of reason and pure Americanism. But, in truth, both have been consistent; the same men having voted for war measures who did before, and the same against them now who did before. The events of Europe coming to us in astonishing and rapid succession, to wit, the public bankruptcy of England, Bonaparte's successes, the successes on the Rhine, the Austrian peace, mutiny of the British fleet, Irish insurrection, a demand of forty-three millions for the current services of the year, and, above all, the warning voice, as is said, of Mr. King, to abandon all thought of connection with Great Britain, that she is going down irrecoverably, and

will sink us also, if we do not clear ourselves, have brought over several to the pacific party, so as, at present, to give majorities against all threatening measures. They go on with frigates and fortifications, because they were going on with them before. They direct eighty thousand of their militia to hold themselves in readiness for service. But they reject the propositions to raise cavalry, artillery, and a provisional army, and to trust private ships with arms in the present combustible state of things. They believe the present is the last campaign of Europe, and wish to rub through this fragment of a year as they have through the four preceding ones, opposing patience to insult, and interest to honor. They will, therefore, immediately adjourn. This is, indeed, a most humiliating state of things, but it commenced in 1793. Causes have been adding to causes, and effects accumulating on effects, from that time to this. We had, in 1793, the most respectable character in the universe. What the neutral nations think of us now, I know not; but we are low indeed with the belligerents. Their kicks and cuffs prove their contempt. If we weather the present storm, I hope we shall avail ourselves of the calm of peace, to place our foreign connections under a new and different arrangement. We must make the interest of every nation stand surety for their justice, and their own loss to follow injury to us, as effect follows its cause. As to everything except commerce, we ought to divorce ourselves

from them all. But this system would require time, temper, wisdom, and occasional sacrifice of interest; and how far all of these will be ours, our children may see, but we shall not. The passions are too high at present, to be cooled in our day. You and I have formerly seen warm debates and high political passions. But gentlemen of different politics would then speak to each other, and separate the business of the Senate from that of society. It is not so now. Men who have been intimate all their lives, cross the streets to avoid meeting, and turn their heads another way, lest they should be obliged to touch their hats. This may do for young men with whom passion is enjoyment. But it is afflicting to peaceable minds. Tranquillity is the old man's milk. I go to enjoy it in a few days, and to exchange the roar and tumult of bulls and bears, for the prattle of my grandchildren and senile rest. Be these yours, my dear friend, through long years, with every other blessing, and the attachment of friends as warm and sincere, as yours affectionately.

TO EDMUND RANDOLPH.

PHILADELPHIA, June 27, 1797.

DEAR SIR,—I have to acknowledge the receipt of your two favors of May 26th and 29th, which came to hand in due time, and relieved my mind considerably, though it was not finally done. During the vacation we may perhaps be able to hunt up

the letters which are wanting, and get this tornado which has been threatening us, dissipated.

You have seen the speech and the address, so nothing need be said on them. The spirit of both has been so whittled down by Bonaparte's victories, the victories on the Rhine, the Austrian peace, Irish insurgency, English bankruptcy, insubordination of the fleet, etc., that Congress is rejecting one by one the measures brought in on the principles of their own address. But nothing less than such miraculous events as have been pouring in on us from the first of our convening could have assuaged the fermentation produced in men's minds. In consequence of these events, what was the majority at first, is by degrees become the minority, so that we may say that in the Representatives moderation will govern. But nothing can establish firmly the republican principles of our government but an establishment of them in England. France will be the apostle for this. We very much fear that Gerry will not accept the mission to Paris. The delays which have attended this measure have left a dangerous void in our endeavors to preserve peace, which can scarcely be reconciled to a wish to preserve it. I imagine we shall rise from the 1st to the 3d of July. I am, dear Sir, your friend and servant.

P. S. The interruption of letters is becoming so notorious, that I am forming a resolution of declining correspondence with my friends through the channels of the Post Office altogether.

TO JAMES MADISON.

MONTICELLO, August 3, 1797.

I scribbled you a line on the 24th ultimo; it missed of the post, and so went by a private hand. I perceive from yours by Mr. Bringhurst, that you had not received it. In fact, it was only an earnest exhortation to come here with Monroe, which I still hope you will do. In the meantime, I enclose you a letter from him, and wish your opinion on its principal subject. The variety of other topics the day I was with you, kept out of sight the letter to Mazzei imputed to me in the papers, the general substance of which is mine, though the diction has been considerably altered and varied in the course of its translations from English into Italian, from Italian into French, and from French into English. I first met with it at Bladensburg, and for a moment conceived I must take the field of the public papers. I could not disavow it wholly, because the greatest part was mine, in substance though not in form. I could not avow it as it stood, because the form was not mine, and, in one place, the substance very materially falsified. This, then, would render explanations necessary; nay, it would render proofs of the whole necessary, and draw me at length into a publication of all (even the secret) transactions of the administration while I was in it; and embroil me personally with every member of the executive, with the judiciary, and with others still. I soon

decided in my own mind, to be entirely silent. I consulted with several friends at Philadelphia, who, every one of them, were clearly against my avowing or disavowing, and some of them conjured me most earnestly to let nothing provoke me to it. I corrected, in conversation with them, a substantial misrepresentation in the copy published. The original has a sentiment like this (for I have it not before me), "they are endeavoring to submit us to the substance, as they already have to the *forms* of the British government;" meaning by *forms*, the birth-days, levees, processions to parliament, inauguration pomposities, etc. But the copy published says, "as they have already submitted us to the *form* of the British," etc., making me express hostility to the form of our government, that is to say, to the Constitution itself. For this is really the difference of the word *form*, used in the singular or plural, in that phrase, in the English language. Now it would be impossible for me to explain this publicly, without bringing on a personal difference between General Washington and myself, which nothing before the publication of this letter has ever done. It would embroil me also with all those with whom his character is still popular, that is to say, nine tenths of the people of the United States; and what good would be obtained by avowing the letter with the necessary explanations? Very little indeed, in my opinion, to counterbalance a good deal of harm. From my silence in this instance, it cannot

be inferred that I am afraid to own the general sentiments of the letter. If I am subject to either imputation, it is to that of avowing such sentiments too frankly both in private and public, often when there is no necessity for it, merely because I disdain everything like duplicity. Still, however, I am open to conviction. Think for me on the occasion, and advise me what to do, and confer with Colonel Monroe on the subject.

Let me entreat you again to come with him; there are other important things to consult on. One will be his affair. Another is the subject of the petition now enclosed you, to be proposed to our district, on the late presentment of our representative by the grand jury: the idea it brings forward is still confined to my own breast. It has never been mentioned to any mortal, because I first wish your opinion on the expediency of the measure. If you approve it, I shall propose to * * * or some other,[1] to father it, and to present it to the counties at their general muster. This will be in time for our Assembly. The presentment going in the public papers just at the moment when Congress was together, produced a great effect both on its friends and foes in that body, very much to the disheartening and mortification of the latter. I wish this petition, if approved, to arrive there under the same circumstances, to produce the counter

[1] The places in this letter where the asterisks are inserted, are blanks in the original.

effect so wanting for their gratification. I could have wished to receive it from you again at our court on Monday, because * * * and * * * will be there, and might also be consulted, and commence measures for putting it into motion. If you can return it then, with your opinion, it will be of importance. Present me affectionately to Mrs. Madison, and convey to her my entreaties to interpose her good offices and persuasives with you to bring her here, and before we uncover our house, which will yet be some weeks.

Salutations and adieu.

TO COLONEL JOHN STUART.

MONTICELLO, August 15, 1797.

DEAR SIR,—With great pleasure I forward to you the Diploma of the American Philosophical Society, adopting you into their body. The attention on your part, to which they are indebted for the knowledge that such an animal has existed as the Megalonyx, as we have named him, gives them reason to hope that the same attention continued will enrich us with other objects of science, which your part of the country may yet, we hope, furnish. On my arrival at Philadelphia, I met with an account published in Spain of the skeleton of an enormous animal from Paraguay, of the clawed kind, but not of the lion class at all; indeed, it is classed with the sloth, ant-eater, etc., which are not of the carnivo-

rous kinds; it was dug up 100 feet below the surface, near the river La Plata. The skeleton is now mounted at Madrid, is 12 feet long and 6 feet high. There are several circumstances which lead to a supposition that our megalonyx may have been the same animal with this. There are others which still induce us to class him with the lion. Since this discovery has led to questioning the Indians as to this animal, we have received some of their traditions which confirm his classification with the lion. As soon as our 4th volume of transactions, now in the press, shall be printed I will furnish you with the account given in to the Society. I take for granted that you have little hope of recovering any more of the bones. Those sent me are delivered to the Society. I am, with great esteem, dear Sir, your most obedient servant.

TO ST. GEORGE TUCKER.

MONTICELLO, August 28, 1797.

DEAR SIR,—I have to acknowledge the receipt of your two favors of the 2d and 22d instant, and to thank you for the pamphlet covered by the former. You know my subscription to its doctrines; and as to the mode of emancipation, I am satisfied that that must be a matter of compromise between the passions, the prejudices, and the real difficulties which will each have their weight in that operation. Perhaps the first chapter of this history, which has

begun in St. Domingo, and the next succeeding ones, which will recount how all the whites were driven from all the other islands, may prepare our minds for a peaceable accommodation between justice, policy and necessity; and furnish an answer to the difficult question, whither shall the colored emigrants go? and the sooner we put some plan under way, the greater hope there is that it may be permitted to proceed peaceably to its ultimate effect. But if something is not done, and soon done, we shall be the murderers of our own children. The "murmura venturos nautis prudentia ventos" has already reached us; the revolutionary storm, now sweeping the globe, will be upon us, and happy if we make timely provision to give it an easy passage over our land. From the present state of things in Europe and America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day to-morrow. If we had begun sooner, we might probably have been allowed a lengthier operation to clear ourselves, but every day's delay lessens the time we may take for emancipation. Some people derive hope from the aid of the confederated States. But this is a delusion. There is but one State in the Union which will aid us sincerely, if an insurrection begins, and that one may, perhaps, have its own fire to quench at the same time. The facts stated in yours of the 22d, were not identically known to me, but others like them were. From the General Govern-

ment no interference need be expected. Even the merchant and navigator, the immediate sufferers, are prevented by various motives from wishing to be redressed. I see nothing but a State procedure which can vindicate us from the insult. It is in the power of any single magistrate, or of the Attorney for the Commonwealth, to lay hold of the commanding officer, whenever he comes ashore, for the breach of the peace, and to proceed against him by indictment. This is so plain an operation, that no power can prevent its being carried through with effect, but the want of will in the officers of the State. I think that the matter of finances, which has set the people of Europe to thinking, is now advanced to that point with us, that the next step, and it is an unavoidable one, a land tax, will awaken our constituents, and call for inspection into past proceedings. I am, with great esteem, dear Sir, your friend and servant.

TO COLONEL ARTHUR CAMPBELL.

MONTICELLO, September 1, 1797.

DEAR SIR,—I have to acknowledge the receipt of your favor of July the 4th, and to recognize in it the sentiments you have ever held, and worthy of the day on which it is dated. It is true that a party has risen up among us, or rather has come among us, which is endeavoring to separate us from all friendly connection with France, to unite

our destinies with those of Great Britain, and to assimilate our government to theirs. Our lenity in permitting the return of the old tories, gave the first body to this party; they have been increased by large importations of British merchants and factors, by American merchants dealing on British capital, and by stock dealers and banking companies, who, by the aid of a paper system, are enriching themselves to the ruin of our country, and swaying the government by their possession of the printing presses, which their wealth commands, and by other means, not always honorable to the character of our countrymen. Hitherto, their influence and their system have been irresistible, and they have raised up an executive power which is too strong for the Legislature. But I flatter myself they have passed their zenith. The people, while these things were doing, were lulled into rest and security from a cause which no longer exists. No prepossessions now will shut their ears to truth. They begin to see to what port their leaders were steering during their slumbers, and there is yet time to haul in, if we can avoid a war with France. All can be done peaceably, by the people confining their choice of Representatives and Senators to persons attached to republican government and the principles of 1776, not office-hunters, but farmers, whose interests are entirely agricultural. Such men are the true representatives of the great American interest, and are alone to be relied on for express-

ing the proper American sentiments. We owe gratitude to France, justice to England, good will to all, and subservience to none. All this must be brought about by the people, using their elective rights with prudence and self-possession, and not suffering themselves to be duped by treacherous emissaries. It was by the sober sense of our citizens that we were safely and steadily conducted from monarchy to republicanism, and it is by the same agency alone we can be kept from falling back. I am happy in this occasion of reviving the memory of old things, and of assuring you of the continuance of the esteem and respect of, dear Sir, your friend and servant.

TO JOHN F. MERCER, ESQ.

MONTICELLO, September 5, 1797.

DEAR SIR,—We have now with us our friend Monroe. He is engaged in stating his conduct for the information of the public. As yet, however, he has done little, being too much occupied with re-arranging his household. His preliminary skirmish with the Secretary of State has, of course, bespoke a suspension of the public mind, till he can lay his statement before them. Our Congressional district is fermenting under the presentiment of their representative by the Grand Jury; and the question of a Convention for forming a State Constitution will probably be attended to in these parts.

These are the news of our Canton. Those of a more public nature you know before we do. My best respects to Mrs. Mercer, and assurances to yourself of the affectionate esteem of, dear Sir, your friend and servant.

TO COLONEL JAMES MONROE.

MONTICELLO, September 7, 1797.

The doubt which you suggest as to our jurisdiction over the case of the Grand Jury *vs.* Cabell, had occurred to me, and naturally occurs on first view of the question. But I knew, that to send the petition to the House of Representatives in Congress, would make bad worse; that a majority of that House would pass a vote of approbation. On examination of the question, too, it appeared to me that we could maintain the authority of our own government over it.

A right of free correspondence between citizen and citizen, on their joint interests, whether public or private, and under whatsoever laws these interests arise, (to wit, of the State, of Congress, of France, Spain, or Turkey), is a natural right; it is not the gift of any municipal law, either of England, or Virginia, or of Congress; but in common with all our other natural rights, it is one of the objects for the protection of which society is formed, and municipal laws established.

The courts of this commonwealth (and among

them the General Court, as a court of impeachment) are originally competent to the cognizance of all infractions of the rights of one citizen by another citizen; and they still retain all their judiciary cognizances not expressly alienated by the federal Constitution.

The federal Constitution alienates from them all cases arising, 1st, under the Constitution; 2dly, under the laws of Congress; 3dly, under treaties, etc. But this right of free correspondence, whether with a public representative in General Assembly, in Congress, in France, in Spain, or with a private one charged with pecuniary trust, or with a private friend the object of our esteem, or any other, has not been given to us under, 1st, the federal Constitution; 2dly, any law of Congress; or 3dly, any treaty; but as before observed, by nature. It is therefore not alienated, but remains under the protection of our courts.

Were the question even doubtful, that is no reason for abandoning it. The system of the General Government, is to seize all doubtful ground. We must join in the scramble, or get nothing. Where first occupancy is to give right, he who lies still loses all. Besides, it is not right for those who are only to act in a preliminary form, to let their own doubts preclude the judgment of the court of ultimate decision. We ought to let it go to the House of Delegates for their consideration, and they, unless the contrary be palpable, ought to let it to go to the General Court, who are ultimately to decide on it.

It is of immense consequence that the States retain as complete authority as possible over their own citizens. The withdrawing themselves under the shelter of a foreign jurisdiction, is so subversive of order and so pregnant of abuse, that it may not be amiss to consider how far a law of *præmunire* should be revised and modified, against all citizens who attempt to carry their causes before any other than the State courts, in cases where those other courts have no right to their cognizance. A plea to the jurisdiction of the courts of their State, or a reclamation of a foreign jurisdiction, if adjudged valid, would be safe; but if adjudged invalid, would be followed by the punishment of *præmunire* for the attempt.

Think further of the preceding part of this letter, and we will have further conference on it. Adieu.

P. S. Observe, that it is not the breach of Mr. Cabell's privilege which we mean to punish: that might lie with Congress. It is the wrong done to the citizens of our district. Congress gave no authority to punish that wrong. They can only take cognizance of it in vindication of their member.

TO ALEXANDER WHITE, ESQ.

MONTICELLO, September 10, 1797.

DEAR SIR,—So many persons have of late found an interest or a passion gratified by imputing to me

sayings and writings which I never said or wrote, or by endeavoring to draw me into newspapers to harass me personally, that I have found it necessary for my quiet and my other pursuits to leave them in full possession of the field, and not to take the trouble of contradicting them even in private conversation. If I do it now, it is out of respect to your application, made by private letter and not through the newspapers, and under the perfect assurance that what I write to you will not be permitted to get in a newspaper, while you are at full liberty to assert it in conversation under my authority.

I never gave an opinion that the Government would not remove to the federal city. I never entertained that opinion; but on the contrary, whenever asked the question, I have expressed my full confidence that they would remove there. Having had frequent occasion to declare this sentiment, I have endeavored to conjecture on what a contrary one could have been ascribed to me. I remember that in Georgetown, where I passed a day in February in conversation with several gentlemen on the preparations there for receiving the government, an opinion was expressed by some, and not privately, that there would be few or no private buildings erected in Washington this summer, and that the prospect of there being a sufficient number in time, was not flattering. This they grounded on the fact that the persons holding lots, from a

view to increase their means of building, had converted their money at low prices, into Morris and Nicholson's notes, then possessing a good degree of credit, and that having lost these by the failure of these gentlemen, they were much less able to build than they would have been. I then observed, and I did it with a view to excite exertion, that if there should not be private houses in readiness sufficient for the accommodation of Congress and the persons annexed to the Government, it could not be expected that men should come there to lodge, like cattle, in the fields, and that it highly behoved those interested in the removal to use every exertion to provide accommodations. In this opinion, I presume I shall be joined by yourself and every other. But delivered, as it was, only on the hypothesis of a fact stated by others, it could not authorize the assertion of an absolute opinion, separated from the statement of facts on which it was hypothetically grounded. I have seen no reason to believe that Congress have changed their purpose with respect to the removal. Every public indication from them, and every sentiment I have heard privately expressed by the members, convinces me they are steady in the purpose. Being on this subject, I will suggest to you, what I did privately at Georgetown to a particular person, in confidence that it should be suggested to the managers, if in event it should happen that there should not be a sufficiency of private buildings erected within the proper time, would it not be

better for the commissioners to apply for a suspension of the removal for one year, than to leave it to the hazard which a contrary interest might otherwise bring on it? Of this however you have yet two summers to consider, and you have the best knowledge of the circumstances on which a judgment may be formed whether private accommodations will be provided. As to the public buildings, every one seems to agree that they will be in readiness.

I have for five or six years been encouraging the opening a direct road from the Southern part of this State, leading through this county to Georgetown. The route proposed is from Georgetown by Colonel Alexander's, Elk-run Church, Norman's Ford, Stevensburg, the Racoon Ford, the Marquis's Road, Martin Key's Ford on the Rivanna, the mouth of Slate River, the high bridge on Appomattox, Prince Edward Courthouse, Charlotte Courthouse, Cole's ferry on Stanton, Dix's ferry on Dan, Guilford Courthouse, Salisbury, Crosswell's ferry on Saluda, Ninety-six, Augusta. It is believed this road will shorten the distance along the continent one hundred miles. It will be to open anew only from Georgetown to Prince Edward Courthouse. An actual survey has been made from Stevensburg to Georgetown, by which that much of the road will be shortened twenty miles, and be all a dead level. The difficulty is to get it first through Fairfax and Prince William. The counties after that will very readily carry it on. We consider it as opening to us

a direct road to the market of the federal city, for all the beef and mutton we could raise, for which we have no market at present. I am in possession of the survey, and had thought of getting the Bridge company at Georgetown to undertake to get the road carried through Fairfax and Prince William, either by those counties or by themselves. But I have some apprehension that by pointing our road to the bridge, it might get out of the level country, and be carried over the hills, which will be but a little above it. This would be inadmissible. Perhaps you could suggest some means of our getting over the obstacle of those two counties. I shall be very happy to concur in any measure which can effect all our purposes. I am with esteem, dear Sir, your most obedient servant.

TO MANN PAGE, ESQ.

PHILADELPHIA, January 2, 1798.

DEAR SIR,—I do not know whether you have seen some very furious abuse of me in the Baltimore papers by a Mr. Luther Martin, on account of Logan's speech, published in the "Notes on Virginia." He supposes both the speech and story made by me to support an argument against Buffon. I mean not to enter into a newspaper contest with Mr. Martin; but I wish to collect, as well as the lapse of time will permit, the evidence on which we received that story. It was brought to us I remem-

ber by Lord Dunmore and his officers on the return from the expedition of 1776. I am sure it was from them I got it. As you were very much in the same circle of society in Williamsburg with myself, I am in hopes your memory will be able to help out mine, and recall some facts which have escaped me. I ask it as a great favor of you to endeavor to recollect, and to communicate to me all the circumstances you possibly can relative to this matter, particularly the authority on which we received it, and the names of any persons who you think can give me information. I mean to fix the fact with all possible care and truth, and either to establish or correct the former statement in an appendix to the "Notes on Virginia," or in the first republication of the work.

Congress have done nothing interesting except postponing the stamp act. An act continuing the currency of the foreign coins three years longer has passed the Representatives, but was lost in the Senate. We have hopes that our envoys will be received decently at Paris, and some compromise agreed on. There seems to be little appearance of peace in Europe. Those among us who were so timid when they apprehended war with England, are now bold in propositions to arm. I do not think however that the Representatives will change the policy pursued by them at their summer session. The land tax will not be brought forward this year. Congress of course have no real business to be

employed on. We may expect in a month or six weeks to hear so far from our commissioners at Paris as to judge what will be the aspect of our situation with France. If peaceable, as we hope, I know of nothing which should keep us together. In my late journey to this place, I came through Culpeper and Prince William to Georgetown. When I return, it will be through the Eastern Shore (a country I have never seen), by Norfolk and Petersburg; so that I shall fail then also of the pleasure of seeing you. Present respectful compliments to Mrs. Page, and accept assurances of the sincere esteem of, dear Sir, your friend and servant.

TO JAMES MADISON.

PHILADELPHIA, January 3, 1798.

DEAR SIR,—Your favor of the 25th came to hand yesterday. I shall observe your directions with respect to the post day. I have spoken with the Deputy Post Master General on the subject of our Fredericksburg post. He never knew before that the Fredericksburg printer had taken the contract of the rider. He will be glad, if either in your neighborhood or ours, some good person will undertake to ride from April next. The price given this year is three hundred and thirty dollars, and it will go to the lowest bidder who can be depended on. I understand (though not from him) that Wyatt will be changed; and in general they determine that printers shall not be postmasters or riders.

Our weather has been here, as with you, cold and dry. The thermometer has been at eight degrees. The river closed here the first week of December, which has caught a vast number of vessels destined for departure. It deadens also the demand for wheat. The price at New York is one dollar seventy-five cents, and of flour eight dollars fifty cents to nine dollars; tobacco eleven to twelve dollars; there need be no doubt of greater prices. The bankruptcies here continue: the prison is full of the most reputable merchants, and it is understood that the scene has not yet got to its height. Prices have fallen greatly. The market is cheaper than it has been for four years. Labor and house rent much reduced. Dry goods somewhat. It is expected that they will fall till they get nearly to old prices. Money scarce beyond all example.

The Representatives have rejected the President's proposition for enabling him to prorogue them. A law has passed putting off the stamp act till July next. The land tax will not be brought on. The Secretary of the Treasury says he has money enough. No doubt these two measures may be taken up more boldly at the next session, when most of the elections will be over. It is imagined the stamp act will be extended or attempted on every possible object. A bill has passed the Representatives to suspend for three years the law arresting the currency of foreign coins. The Senate propose an amendment, continuing the currency of the foreign

gold only. Very possibly the bill may be lost. The object of opposing the bill is to make the French crowns a subject of speculation (for it seems they fell on the President's proclamation to a dollar in most of the States), and to force bank paper (for want of other medium) through all the States generally. Tench Coxe is displaced, and no reason ever spoken of. It is therefore understood to be for his activity during the late election. It is said, that the people from hence quite to the eastern extremity are beginning to be sensible that their government has been playing a foul game. In Vermont, Chipman was elected Senator by a majority of one, against the republican candidate. In Maryland, Lloyd by a majority of one, against Winder the republican candidate. Tichenor chosen Governor of Vermont by a very small majority. The House of Representatives of this State has become republican by a firm majority of six. Two counties, it is said, have come over generally to the republican side. It is thought the republicans have also a majority in the New York House of Representatives. Hard elections are expected there between Jay and Livingston, and here between Ross and M'Kean. In the House of Representatives of Congress, the republican interest has at present, on strong questions, a majority of about half a dozen, as is conjectured, and there are as many of their firmest men absent; not one of the anti-republicans is from his post. The bill for permitting private vessels to

arm, was put off to the first Monday in February by a sudden vote, and a majority of five. It was considered as an index of their dispositions on that subject, though some voted both ways on other ground. It is most evident, that the anti-republicans wish to get rid of Blount's impeachment. Many metaphysical niceties are handing about in conversation, to show that it cannot be sustained. To show the contrary, it is evident must be the task of the republicans, or of nobody. Monroe's book is considered as masterly by all those who are not opposed in principle, and it is deemed unanswerable. An answer, however, is commenced in Fenno's paper of yesterday, under the signature of Scipio. The real author not yet conjectured. As I take these papers merely to preserve them, I will forward them to you, as you can easily return them to me on my arrival at home; for I shall not see you on my way, as I mean to go by the Eastern Shore and Petersburg. Perhaps the paragraphs in some of these abominable papers may draw from you now and then a squib. A pamphlet of Fauchet's appeared yesterday. I send you a copy under another cover. A handbill has just arrived here from New York, where they learn from a vessel which left Havre about the 9th of November, that the Emperor had signed the definitive articles, given up Mantua, evacuated Mentz, agreed to give passage to the French troops to Hanover, and that the Portuguese ambassador had been ordered to quit Paris,

on account of the seizure of fort St. Julian's by the English supposed with the connivance of Portugal. Though this is ordinary mercantile news, it looks like truth. The latest official intelligence from Paris, is from Talleyrand to the French consul here, (Lastombe,) dated September the 28th, saying that our Envoys were arrived, and would find every disposition on the part of his government to accommodate with us.

My affectionate respects to Mrs. Madison; to yourself, health and friendship. Adieu.

TO JAMES MADISON.

PHILADELPHIA, January 25, 1798.

DEAR SIR,—I wrote you last on the 2d instant, on which day I received yours of December 25th. I have not resumed my pen, because there has really been nothing worth writing about, but what you would see in the newspapers. There is, as yet, no certainty what will be the aspect of our affairs with France. Either the Envoys have not written to the government, or their communications are hushed up. This last is suspected, because so many arrivals have happened from Bordeaux and Havre. The letters from American correspondents in France have been always to Boston; and the experience we had last summer of their adroitness in counterfeiting this kind of intelligence, inspires doubts as to their late paragraphs. A letter is certainly received

here by an individual from Talleyrand, which says our Envoys have been heard, that their pretensions are high, that possibly no arrangement may take place, but that there will be no declaration of war by France. It is said that Bournonville has written that he has hopes of an accommodation (three audiences having then, November, been had), and to be himself a member of a new diplomatic mission to this country. On the whole, I am entirely suspended as to what is to be expected. The Representatives have been several days in debate on the bill for foreign intercourse. A motion has been made to reduce it to what it was before the extension of 1796. The debate will probably have good effects, in several ways, on the public mind, but the advocates for the reformation expect to lose the question. They find themselves deceived in the expectation entertained in the beginning of the session, that they had a majority. They now think the majority is on the other side by two or three, and there are moreover two or three of them absent. Blount's affair is to come on next. In the meantime the Senate have before them a bill for regulating proceedings in impeachment. This will be made the occasion of offering a clause for the introduction of juries into these trials. (Compare the paragraph in the Constitution which says, that all crimes, *except in cases of impeachment*, shall be by jury, with the eighth amendment, which says, that in *all* criminal prosecutions the trial

shall be by jury.) There is no expectation of carrying this; because the division in the Senate is of two to one, but it will draw forth the principles of the parties, and concur in accumulating proofs on which side all the sound principles are to be found.

Very acrimonious altercations are going on between the Spanish minister and the executive, and at the Natchez something worse than mere altercation. If hostilities have not begun there, it has not been for want of endeavors to bring them on by our agents. Marshall, of Kentucky, this day proposed in Senate some amendments to the Constitution. They were barely read just as we were adjourning, and not a word of explanation given. As far as I caught them in my ear, they went only to modifications of the elections of President and Vice-President, by authorizing voters to add the office for which they name each, and giving to the Senate the decision of a disputed election of President, and to the Representatives that of Vice-President. But I am apprehensive I caught the thing imperfectly, and probably incorrectly. Perhaps this occasion may be taken of proposing again the Virginia amendments, as also to condemn elections by the legislatures, themselves to transfer the power of trying impeachments from the Senate to some better constituted court, etc., etc.

Good tobacco here is thirteen dollars, flour eight dollars and fifty cents, wheat one dollar and fifty

cents, but dull, because only the millers buy. The river, however, is nearly open, and the merchants will now come to market and give a spur to the price. But the competition will not be what it has been. Bankruptcies thicken, and the height of them has by no means yet come on. It is thought this winter will be very trying.

Friendly salutations to Mrs. Madison. Adieu affectionately.

January 28. I enclose Marshall's propositions. They have been this day postponed to the 1st of June, chiefly by the vote of the anti-republicans, under the acknowledged fear that other amendments would be also proposed, and that this is not the time for agitating the public mind.

TO JAMES MADISON.

PHILADELPHIA, February 8, 1798.

DEAR SIR,—I wrote you last on the 25th ultimo; since which yours of the 21st has been received. Bache had put five hundred copies of Monroe's book on board a vessel, which was stopped by the early and unexpected freezing of the river. He tried in vain to get them carried by fifties at a time, by the stage. The river is now open here, the vessels are falling down, and if they can get through the ice below, the one with Bache's packet will soon be at Richmond. It is surmised here that Scipio

is written by C. Lee. Articles of impeachment were yesterday given in against Blount. But many great preliminary questions will arise. Must not a *formal law* settle the oath of the Senators, form of pleadings, process against person or goods, etc.? May he not appear by attorney? Must he not be tried by a jury? Is a Senator impeachable? Is an ex-Senator impeachable? You will readily conceive that these questions, to be settled by twenty-nine lawyers, are not likely to come to speedy issue. A very disagreeable question of privilege has suspended all other proceedings for some days. You will see this in the newspapers. The question of arming vessels came on, on Monday last; that morning, the President sent in an inflammatory message about a vessel taken and burnt by a French privateer, near Charleston. Of this he had been possessed some time, and it had been through all the newspapers. It seemed to come in now *apropos* for spurring on the disposition to arm. However, the question has not come on. In the meantime, the general spirit, even of the merchants, is becoming adverse to it. In New Hampshire and Rhode Island they are unanimously against arming; so in Baltimore. This place is becoming more so. Boston divided and desponding. I know nothing of New York; but I think there is no danger of the question being carried, unless something favorable to it is received from our Envoys. From them we hear nothing. Yet it

seems reasonably believed that the executive has heard, and that it is something which would not promote their views of arming. For every action of theirs shows they are panting to come to blows. Giles has arrived.

My friendly salutations to Mrs. Madison. Adieu affectionately.

TO JAMES MADISON.

PHILADELPHIA, February 15, 1798.

DEAR SIR,—I wrote you last on the 8th. We have still not a word from our Envoys. This long silence (if they have been silent) proves things are not going on very roughly. If they have not been silent, it proves their information, if made public, would check the disposition to arm. I had flattered myself, from the progress of the public sentiment against arming, that the same progress had taken place in the Legislature. But I am assured by those who have better opportunities of forming a good judgment, that if the question against arming is carried at all, it will not be by more than a majority of two; and particularly, that there will not be more than four votes against it from the five eastern States, or five votes at the utmost. You will have perceived that Dayton has gone over completely. He expects to be appointed Secretary of War, in the room of M'Henry, who, it is said, will retire. He has been told, as report goes, that they would not have con-

fidence enough in him to appoint him. The desire of inspiring them with more, seems the only way to account for the eclat which he chooses to give to his conversion. You will have seen the disgusting proceedings in the case of Lyon: if they would have accepted even of a commitment to the serjeant, it might have been had. But to get rid of his vote was the most material object. These proceedings must degrade the General Government, and lead the people to lean more on their State governments, which have been sunk under the early popularity of the former. This day, the question of the jury in cases of impeachment comes on. There is no doubt how it will go. The general division of the Senate is twenty-two and ten; and under the probable prospect of what it will forever be, I see nothing in the mode of proceeding by impeachment but the most formidable weapon for the purposes of dominant faction that ever was contrived. It would be the most effectual one of getting rid of any man whom they consider as dangerous to their views, and I do not know that we could count on one-third in an emergency. All depends then on the House of Representatives, who are the impeachers; and there the majorities are of one, two, or three only; and these sometimes one way and sometimes another: in a question of pure party they have the majority, and we do not know what circumstances may turn up to increase that majority temporarily, if not permanently. I know of no solid purpose of punishment which the courts of law are

not equal to, and history shows, that in England, impeachment has been an engine more of passion than justice. A great ball is to be given here on the 22d, and in other great towns of the Union. This is, at least, very indelicate, and probably excites uneasy sensations in some. I see in it, however, this useful deduction, that the birth-days which have been kept, have been, not those of the President, but of the General. I enclose with the newspapers, the two acts of parliament passed on the subject of our commerce, which are interesting. The merchants here say, that the effect of the countervailing tonnage on American vessels, will throw them completely out of employ as soon as there is peace. The eastern members say nothing but among themselves. But it is said that it is working like gravel in their stomachs. Our only comfort is, that they have brought it on themselves. My respectful salutation to Mrs. Madison; and to yourself, friendship and adieu.

TO GENERAL GATES.

PHILADELPHIA, February 21, 1798.

DEAR GENERAL,—I received duly your welcome favor of the 15th, and had an opportunity of immediately delivering the one it enclosed to General Kosciusko. I see him often, and with great pleasure mixed with commiseration. He is as pure a son of liberty as I have ever known, and of that liberty

which is to go to all, and not to the few or the rich alone. We are here under great anxiety to hear from our Envoys. * * * * * * * I agree with you, that some of our merchants have been milking the cow: yet the great mass of them have become deranged; they are daily falling down by bankruptcies, and on the whole, the condition of our commerce far less firm and really prosperous, than it would have been by the regular operations and steady advances which a state of peace would have occasioned. Were a war to take place, and throw our agriculture into equal convulsions with our commerce, our business would be done at both ends. But this I hope will not be. The good news from the Natchez has cut off the fear of a breach in that quarter, where a crisis was brought on which has astonished every one. How this mighty duel is to end between Great Britain and France, is a momentous question. The sea which divides them makes it a game of chance; but it is narrow, and all the chances are not on one side. Should they make peace, still our fate is problematical.

The countervailing acts of Great Britain, now laid before Congress, threaten, in the opinion of merchants, the entire loss of our navigation to England. It makes a difference, from the present state of things, of five hundred guineas on a vessel of three hundred and fifty tons. If, as the newspapers have told us, France has renewed her *Arrêt* of 1789, laying a duty of seven livres a hundred on all tobacco brought in

foreign bottoms (even our own), and should extend it to rice and other commodities, we are done, as navigators, to that country also. In fact, I apprehend that those two great nations will think it their interest not to permit us to be navigators. France had thought otherwise, and had shown an equal desire to encourage our navigation as her own, while she hoped its weight would at least not be thrown into the scale of her enemies. She sees now that that is not to be relied on, and will probably use her own means, and those of the nations under her influence, to exclude us from the ocean. How far it may lessen our happiness to be rendered merely agricultural, how far that state is more friendly to principles of virtue and liberty, are questions yet to be solved. Kosciusko has been disappointed by the sudden peace between France and Austria. A ray of hope seemed to gleam on his mind for a moment, that the extension of the revolutionary spirit through Italy and Germany, might so have occupied the remnants of monarchy there, as that his country might have risen again. I sincerely rejoice to find that you preserve your health so well. That you may so go on to the end of the chapter, and that it may be a long one, I sincerely pray. Make my friendly salutations acceptable to Mrs. Gates, and accept yourself assurances of the great and constant esteem and respect of, dear Sir, your friend and servant.

TO JAMES MADISON.

PHILADELPHIA, February 22, 1798.

DEAR SIR,—Yours of the 12th is received. I wrote you last on the 15th, but the letter getting misplaced, will only go by this post. We still hear nothing from our Envoys. Whether the executive hear, we know not. But if war were to be apprehended, it is impossible our Envoys should not find means of putting us on our guard, or that the executive should hold back their information. No news, therefore, is good news. The countervailing act, which I sent you by the last post, will, confessedly, put American bottoms out of employ in our trade with Great Britain. So say well-informed merchants. Indeed, it seems probable, when we consider that hitherto, with the advantage of our foreign tonnage, our vessels could only share with the British, and the countervailing duties will, it is said, make a difference of five hundred guineas to our prejudice on a ship of three hundred and fifty tons. Still the eastern men say nothing. Every appearance and consideration render it probable, that on the restoration of peace, both France and Britain will consider it their interest to exclude us from the ocean, by such peaceable means as are in their power. Should this take place, perhaps it may be thought just and politic to give to our *native capitalists* the monopoly of our internal commerce. This may at once relieve us from the dangers of wars abroad and British thraldom at home. The

news from the Natchez, of the delivery of the posts, which you will see in the papers, is to be relied on. We have escaped a dangerous crisis there. The great contest between Israel and Morgan, of which you will see the papers full, is to be decided this day. It is snowing fast at this time, and the most sloppy walking I ever saw. This will be to the disadvantage of the party which has the most invalids. Whether the event will be known this evening, I am uncertain. I rather presume not, and therefore, that you will not learn it till next post.

You will see in the papers, the ground on which the introduction of the jury into the trial by impeachment was advocated by Mr. Tazewell, and the fate of the question. Reader's motion, which I enclosed you, will probably be amended and established, so as to declare a Senator unimpeachable, absolutely; and yesterday an opinion was declared, that not only officers of the State governments, but every private citizen of the United States, are impeachable. Whether they will think this the time to make the declaration, I know not; but if they bring it on, I think there will be not more than two votes north of the Potomac against the universality of the impeaching power. The system of the Senate may be inferred from their transactions heretofore, and from the following declaration made to me personally by their oracle.[1] "No republic can ever be of any dura-

[1] Here, in the margin of the copy filed, is written by the author, in pencil, " Mr. Adams."

tion, without a Senate, and a Senate deeply and strongly rooted, strong enough to bear up against all popular storms and passions. The only fault in the Constitution of our Senate is, that their term of office is not durable enough. Hitherto they have done well, but probably they will be forced to give way in time." I suppose their having done well hitherto, alluded to the stand they made on the British treaty. This declaration may be considered as their text; that they consider themselves as the bulwarks of the government, and will be rendering that the more secure, in proportion as they can assume greater powers. The foreign intercourse bill is set for to-day; but the parties are so equal on that in the House of Representatives, that they seem mutually to fear the encounter.

My friendly salutations to Mrs. Madison and the family. To yourself, friendly adieus.

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